

By: Brown of Kaufman

H.B. No. 218

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsection (g) to read as follows:

(b) On offering to vote, a voter must present to an election officer at the polling place the voter's voter registration certificate and either:

(1) one form of identification listed in Section 63.0101(a); or

(2) two different forms of identification listed in Section 63.0101(b) [to an election officer at the polling place].

(c) On presentation of the documentation required by Subsection (b) [a registration certificate], an election officer shall determine whether the voter's name on the registration certificate is on the list of registered voters for the precinct.

(d) If the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the proof presented, the voter shall be accepted for voting.

(f) After determining whether to accept a voter, an election officer shall return the voter's documentation [~~registration certificate~~] to the voter.

(g) If the requirements for identification prescribed by

H.B. No. 218

1 Subsection (b) are not met, the voter may be accepted for
2 provisional voting only under Section 63.011.

3 SECTION 2. Section 63.006(a), Election Code, is amended to
4 read as follows:

5 (a) A voter who, when offering to vote, presents a voter
6 registration certificate indicating that the voter is currently
7 registered in the precinct in which the voter is offering to vote,
8 but whose name is not on the precinct list of registered voters,
9 shall be accepted for voting if the voter's identity can be verified
10 from the proof presented.

11 SECTION 3. Section 63.007(a), Election Code, is amended to
12 read as follows:

13 (a) A voter who, when offering to vote, presents a voter
14 registration certificate indicating that the voter is currently
15 registered in a different precinct from the one in which the voter
16 is offering to vote, and whose name is not on the precinct list of
17 registered voters, shall be accepted for voting if the voter's
18 identity can be verified from the proof presented and the voter
19 executes an affidavit stating that the voter:

20 (1) is a resident of the precinct in which the voter is
21 offering to vote or is otherwise entitled by law to vote in that
22 precinct;

23 (2) was a resident of the precinct in which the voter
24 is offering to vote at the time that information on the voter's
25 residence address was last provided to the voter registrar;

26 (3) did not deliberately provide false information to
27 secure registration in a precinct in which the voter does not

H.B. No. 218

1 reside; and

2 (4) is voting only once in the election.

3 SECTION 4. Section 63.008(a), Election Code, is amended to
4 read as follows:

5 (a) A voter who does not present a voter registration
6 certificate when offering to vote, but whose name is on the list of
7 registered voters for the precinct in which the voter is offering to
8 vote, shall be accepted for voting if the voter executes an
9 affidavit stating that the voter does not have the voter's voter
10 registration certificate in the voter's possession at the polling
11 place at the time of offering to vote and the voter's identity can
12 be verified from the proof presented [~~voter presents proof of~~
13 ~~identification in a form described by Section 63.0101~~].

14 SECTION 5. Section 63.0101, Election Code, is amended to
15 read as follows:

16 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

17 (a) The following documentation is an acceptable form [~~as proof~~] of
18 photo identification under this chapter:

19 (1) a driver's license or personal identification card
20 issued to the person by the Department of Public Safety that has not
21 expired or that expired no earlier than two years before the date of
22 presentation [~~or a similar document issued to the person by an~~
23 ~~agency of another state, regardless of whether the license or card~~
24 ~~has expired~~];

25 (2) a United States military identification card that
26 contains the person's photograph [~~form of identification~~
27 ~~containing the person's photograph that establishes the person's~~

H.B. No. 218

1 ~~identity];~~

2 (3) a valid employee identification card that contains
 3 the person's photograph and is issued by an employer of the person
 4 in the ordinary course of the employer's business [~~birth~~
 5 ~~certificate or other document confirming birth that is admissible~~
 6 ~~in a court of law and establishes the person's identity]~~;

7 (4) a United States citizenship certificate [~~papers~~]
 8 issued to the person that contains the person's photograph;

9 (5) a United States passport issued to the person;

10 (6) a student identification card issued by a public
 11 or private institution of higher education located in Texas that
 12 contains the person's photograph [~~official mail addressed to the~~
 13 ~~person by name from a governmental entity]~~; or

14 (7) a license to carry a concealed handgun issued to
 15 the person by the Department of Public Safety.

16 (b) The following documentation is acceptable as proof of
 17 identification under this chapter:

18 (1) a copy of a current utility bill, bank statement,
 19 government check, paycheck, or other government document that shows
 20 the name and address of the voter;

21 (2) official mail addressed to the person by name from
 22 a governmental entity;

23 (3) a certified copy of a birth certificate or other
 24 document confirming birth that is admissible in a court of law and
 25 establishes the person's identity;

26 (4) United States citizenship papers issued to the
 27 person;

H.B. No. 218

(5) an original or certified copy of the person's marriage license or divorce decree;

(6) court records of the person's adoption, name change, or sex change;

(7) an identification card issued to the person by a governmental entity of this state or the United States for the purpose of obtaining public benefits, including veteran's benefits, Medicaid, or Medicare;

(8) a temporary driving permit issued to the person by the Department of Public Safety;

(9) a pilot's license issued to the person by the Federal Aviation Administration or another authorized agency of the United States;

(10) a library card that contains the person's name issued to the person by a public library located in this state; or

(11) a hunting or fishing license issued to a person by the Parks and Wildlife Department [or

~~(8) any other form of identification prescribed by the secretary of state].~~

SECTION 6. Section 63.011(a), Election Code, is amended to read as follows:

(a) A person to whom Section 63.001(g), 63.008(b), or 63.009(a) applies may cast a provisional ballot if the person executes an affidavit stating that the person:

(1) is a registered voter in the precinct in which the person seeks to vote; and

(2) is eligible to vote in the election.

H.B. No. 218

1 SECTION 7. Section 521.422, Transportation Code, is amended
2 by amending Subsection (a) and adding Subsection (d) to read as
3 follows:

4 (a) Except as provided by Subsection (d), the ~~[The]~~ fee for
5 a personal identification certificate is:

6 (1) \$15 for a person under 60 years of age;

7 (2) \$5 for a person 60 years of age or older; and

8 (3) \$20 for a person subject to the registration
9 requirements under Chapter 62, Code of Criminal Procedure.

10 (d) The department may not collect a fee for a personal
11 identification certificate issued to a person who executes an
12 affidavit stating that the person is financially unable to pay the
13 required fee and:

14 (1) who is a registered voter in this state and
15 presents a valid voter registration certificate; or

16 (2) who is eligible for registration under Section
17 13.001, Election Code, and submits a registration application to
18 the department.

19 SECTION 8. This Act takes effect September 1, 2007.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION
Revision 1

April 16, 2007

TO: Honorable Leo Berman, Chair, House Committee on Elections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB218 by Brown, Betty (Relating to requiring a voter to present proof of identification.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB218, As Introduced: an impact of \$0 through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>TEXAS MOBILITY FUND</i> 365
2008	(\$177,060)
2009	(\$177,060)
2010	(\$177,060)
2011	(\$177,060)
2012	(\$177,060)

Fiscal Analysis

The bill would amend Chapter 63 of the Election Code to require a voter to present qualifying identification, as described in the bill, in addition to a voter's registration certificate.

Qualifying identification would be one form of photo identification or two forms of proof of identification. Among the items that would constitute acceptable photo identification would be: a driver's license or personal identification card issued by the Texas Department of Public Safety (DPS) that had not expired, or expired no earlier than two years before the date presented.

The bill would amend Chapter 521 of the Transportation Code to prohibit DPS from collecting a fee for a personal identification certificate issued to a person who executed an affidavit stating that the person was financially unable to pay the required fee, and the person was a registered voter in the state or would be eligible for registration and would submit a registration application to DPS.

The changes in law made by this bill relating to additional requirements for a registration application would apply only to an application for voter registration submitted on or after the effective date of the bill. This bill would take effect September 1, 2007.

The Department of Public Safety estimates that the provision of the bill that would exempt certain applicants from payment for an identification card would result in an annual revenue loss of \$177,060 each fiscal year out of the General Revenue Fund. Additional costs to implement the provisions of the bill are expected to be minimal and could be absorbed within current resources.

Methodology

The revenue loss is determined by applying the percentage of the population below poverty level (16.2%) to the estimated number of persons that would register to vote (72,864), the estimated number of persons eligible to execute the affidavit that they are financially unable to pay the fee for an identification card would be 11,804 ($72,864 \times 16.2\% = 11,804$). If the fee were waived for these persons, the estimated revenue loss for the Texas Mobility Fund would be \$177,060 for each fiscal year ($11,804 \times \$15 = \$177,060$).

Technology

No significant impact to technology is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 307 Secretary of State, 304 Comptroller of Public Accounts

LBB Staff: JOB, MN, MS

**HOUSE OF REPRESENTATIVES
NOTICE OF PUBLIC HEARING**

COMMITTEE: Elections
TIME & DATE: 2:00 PM or upon final adjourn./recess
Wednesday, February 28, 2007
PLACE: E2.028
CHAIR: Rep. Leo Berman

[HB 101](#) Riddle / et al.
Relating to the procedures for registering to vote and
accepting a voter at a polling place.

[HB 218](#) Brown, Betty
Relating to requiring a voter to present proof of
identification.

[HB 265](#) Anchia
Relating to the registration of voters at a polling place and
related procedures.

[HB 266](#) Anchia
Relating to the designation of certain election days as state
holidays.

[HB 626](#) King, Phil
Relating to the procedures for registering to vote and
accepting a voter at a polling place.

[HB 1290](#) Macias
Relating to the appeal of a decision of the Texas Ethics
Commission.

Bills will not necessarily be heard in the order that they are
posted.

The House Committee on Elections

80th Legislature

February 28, 2007

2:00 p.m. or upon final adjourn./recess

E2.028

CORRECTED MINUTES

On March 14, 2007, the House Committee on Elections authorized the correction of the minutes for the meeting of the House Committee on Elections held on February 28, 2007. The following are the corrected minutes for that meeting:

Pursuant to a notice posted on February 23, 2007, the House Committee on Elections met in a public hearing and was called to order by the chair, Representative Berman, at 5:00 p.m.

The roll was answered as follows:

Present: Representatives Berman; Bohac; England; Farias; Howard, Charlie (5).

Absent: Representatives Anchia; Burnam (2).

A quorum was present.

(Representative Anchia now present.)

(Representative Burnam now present.)

HB 265

The chair laid out HB 265.

The chair recognized Representative Anchia to explain the measure.

Representative Bohac offered a complete committee substitute.

Testimony was taken. (See attached witness list.)

The chair recognized Representative Anchia to close on the measure.

The committee substitute was withdrawn without objection.

The bill was left pending without objection.

(Representative England now present.)

HB 1290

The chair laid out HB 1290.

The chair recognized Representative Macias to explain the measure.

Testimony was taken. (See attached witness list.)

The chair recognized Representative Macias to close on the measure.

The bill was left pending without objection.

(Representative Farias now present.)

HB 266

The chair laid out HB 266.

The chair recognized Representative Anchia to explain the measure.

Testimony was taken. (See attached witness list.)

The chair recognized Representative Anchia to close on the measure.

The bill was left pending without objection.

(Representative Bohac now present.)

HB218, HB626, HB101

The chair laid out HB218, HB626, HB101.

The chair recognized Representative Brown, Betty to explain HB 218.

The chair recognized Representative King, Phil to explain HB 626.

The chair recognized Representative Riddle to explain HB 101.

Testimony was taken. (See attached witness list.)

(Representative Bohac now present.)

The chair closed on HB 626.

The chair recognized Representative Brown, Betty to close on HB 218.

The chair recognized Representative Riddle to close on HB 101.

The bills were left pending without objection.

At 10:40 p.m., on the motion of Representative Anchia and without objection, the meeting was adjourned subject to the call of the chair.

Rep. Berman, Chair

Patrick Dudley, Clerk

WITNESS LIST

Elections Committee

February 28, 2007 - 2:00 PM or upon final adjourn./recess

HB 101

For: Benkiser, Tina (Republican Party of Texas)
Borden, Bill (Self)
Johnson, Ed (Self)
Wallace, Skipper (Texas Republican County Chairman's Association
State Legislature Chairman)

Against: Camarillo, Lydia (SVREP)
Courage, John (True Courage Action Network)
Figueroa, Luis (Mexican American Legal Defense & Education Fund (MALDEF))
Flippin, Kenneth (Self)
Santana, Sonia (ACLU-TX)
Smith, Bryson McCall (Coalition of Texans with Disabilities)
Sperry, Teri (True Courage Action Network)
Vanhooose, Laurie (Advocacy, Incorporated)

On: McFarland, Adrienne (Texas Attorney General's Office)
McGeehan, Ann (Texas Secretary of State - Elections Division)

Registering, but not testifying:

For: Collins, Mary Ann (Self)
Colyandro, John (Texas Conservative Coalition)
Duerstine, Russ (Tom Green County G.O.P.)
Galloway, Carolyn (Texas Eagle Forum
Citizens for Immigration Reform)

Against: Arthur, Joy (People for the American Way)
Bailey, Ken (Texas Democratic Party)
Barrick, Susan (Self)
Champion, Mario (Latinos for Texas)
Cody, Debra (City of College Station)

Dean, Kathryn (ACLU)
Dorren, Perry (Self)
Finch, Mary (League of Women Voters of Texas)
Gutierrez, Ysidro (Self)
Harrell, Will (NAACP of Texas)
Hooks, Connie (City of College Station, Texas)
Jones, Johnnie (Self)
Littles, Paula (Texas AFL CIO)
Milam, Toni (City of Buda)
Morstad, Tim (AARP)
Pacheco, Rosa E. (Self and Gray Panthers)
Park, Jodi (Coalition of Texans w/Disabilities/CTD)
Tafoya, Marcelo (Self and Lulac (League of Latin American Citizens))
Woodford, Suzy (Common Cause Texas)

On: Forte, Marty (Self and Dallas County Republican Party)
Raborn, Steve (Self and Tarrant County Elections)

HB 218

For: Benkiser, Tina (Republican Party of Texas)
Borden, Bill (Self)
Johnson, Ed (Self)
Wallace, Skipper (Texas Republican County Chairman's Association
State Legislature Chairman)

Against: Camarillo, Lydia (SVREP)
Courage, John (True Courage Action Network)
Figueroa, Luis (Mexican American Legal Defense & Education Fund (MALDEF))

Against: Flippin, Kenneth (Self)
Santana, Sonia (ACLU-TX)
Smith, Bryson McCall (Coalition of Texans with Disabilities)
Sperry, Teri (True Courage Action Network)
Vanhoose, Laurie (Advocacy, Inc.)

On: McFarland, Adrienne (Texas Attorney General's Office)
McGeehan, Ann (Texas Secretary of State - Elections Division)

Registering, but not testifying:

For: Collins, Mary Ann (Self)
Colyandro, John (Texas Conservative Coalition)
Duerstine, Russ (Tom Green County G.O.P.)
Galloway, Carolyn (Texas Eagle Forum
Citizens for Immigration Reform)

Against: Arthur, Joy (People for the American Way)
Bailey, Ken (Texas Democratic Party)
Barrick, Susan (Self)
Champion, Mario M. (Latinos for Texas)
Cody, Debra (City of College Station)
Dean, Kathryn (ACLU)
Dorren, Perry (Self)
Finch, Mary (League of Women Voters of Texas)
Gutierrez, Ysidro (Self)
Harrell, Will (NAACP of Texas)
Hooks, Connie (City of College Station)
Jones, Johnnie (Self)
Littles, Paula (Texas AFL CIO)
Milam, Toni (City of Buda)
Morstad, Tim (AARP)
Pacheco, Rosa (Self and Gray Panthers)
Park, Jodi (Coalition of Texans w/Disabilities/CTD)
Tafoya, Marcelo (Self and Lulac (League of Latin American Citizens))
Woodford, Suzy (Common Cause Texas)

On: Forte, Marty (Self and Dallas County Republican Party)
Raborn, Steve (Self and Tarrant County Elections)

HB 265 - Committee Substitute (Bohac)

For: Courage, John (True Courage Action Network)
Debeauvoir, Dana (Self)
Figueroa, Luis (Mexican American Legal Defense & Educational Fund
(MALDEF))
Flippin, Kenneth (Self)

Harrell, Will (NAACP of Texas)
McCall Smith, Bryson (Coalition of Texans with Disabilities)
Santana, Sonia (ACLU-TX)
Vanhoose, Laurie (Advocacy, Inc.)

Against: Benkiser, Tina J. (Self and Republican Party of Texas)
Borden, Bill (Self)
Duerstine, Russ (Tom Green County G.O.P.)
Forte, Marty (Self and Dallas County Republican Party)
Wallace, Skipper (Texas Republican County Chairman's Association
State Legislative Chairman)

On: Martinez, Ray (Tx. Conference of Urban Counties)
McGeehan, Ann (Texas Secretary of State - Elections Division)
Raborn, Steve (Self and Tarrant County Elections)

Registering, but not testifying:

For: Bailey, Ken (Texas Democratic Party)

For: Barrick, Susan (Self)
Brooks, Jeffrey E. (Texas Public Interest Research Group)
Camarillo, Lydia (SVREP)
Champion, Mario M. (Latinos for Texas)
Dean, Kathryn (ACLU)
Finch, Mary (League of Women Voters of Texas)
Gutierrez, Ysidro (Self)
Isaacson, Nathanael (People for the American Way)
Jones, Johnnie (Self)
Littles, Paula (Texas AFL CIO)
Park, Jodi (Coalition of Texans w/Disabilities/CTD)
Sperry, Teri (True Courage Action Network)
Tafoya, Marcelo (Self and Lulac (League of Latin American Citizens))
Woodford, Suzy (Common Cause Texas)

Against: Collins, Mary Ann (Self)
McElveen, Kenneth (Self)

HB 266

For: Debeauvoir, Dana (County & District Clerks Legislative Cmte)
Harrell, Will (NAACP of Texas)
Littles, Paula (Texas AFL-CIO)

Against: Borden, Bill (Self)
Galloway, Bruce (Self)
Wallace, Skipper (Texas Republican County Chairman's Association
State Legislative Chairman)

On: Martinez, Ray (Tx. Conference of Urban Counties)
McGeehan, Ann (Texas Secretary of State - Elections Division)

Registering, but not testifying:

For: Bailey, Ken (Texas Democratic Party)
Barrick, Susan (Self)
Champion, Mario M. (Latinos for Texas)
Dean, Kathryn (ACLU)
Figueroa, Luis (Mexican American Legal Defense & Education Fund)
Flippin, Kenneth (Self)
Gutierrez, Ysidro (Self)
Isaacson, Nathanael (People for the American Way)
Jones, Johnnie (Self)
Reeves, Stephen (Christian Life Commission)
Santana, Sonia (ACLU-TX)
Sperry, Terri (True Courage Action Network)
Tafoya, Marcelo (Self and Lulac (League of Latin American Citizens))
Woodford, Suzy (Common Cause Texas)

Against: Collins, Mary Ann (Self)

HB 626

For: Benkiser, Tina (Republican Party of Texas)
Borden, Bill (Self)
Johnson, Ed (Self)
Wallace, Skipper (Texas Republican County Chairman's Association
State Legislature Chairman)

Against: Camarillo, Lydia (SVREP)
Courage, John (True Courage Action Network)
Figueroa, Luis (Mexican American Legal Defense & Education Fund (MALDEF))
Flippin, Kenneth (Self)
Santana, Sonia (ACLU-TX)

Against: Smith, Bryson McCall (Coalition of Texans with Disabilities)
Sperry, Teri (True Courage Action Network)
Vanhoose, Laurie (Advocacy, Inc.)

On: McFarland, Adrienne (Texas Attorney General's Office)
McGeehan, Ann (TX Sec. of State - Elections Division)

Registering, but not testifying:

For: Collins, Mary Ann (Self)
Colyandro, John (Texas Conservative Coalition)
Duerstine, Russ (Tom Green County G.O.P.)
Forte, Marty (Self and Dallas County Republican Party)
Galloway, Carolyn (Texas Eagle Forum
Citizens for Immigration Reform)

Against: Arthur, Joy (People for the American Way)
Bailey, Ken (Texas Democratic Party)
Barrick, Susan (Self)
Champion, Mario (Latinos for Texas)
Cody, Debra (City of College Station)
Dean, Kathryn (ACLU)
Dorren, Perry (Self)
Finch, Mary (League of Women Voters of Texas)
Gutierrez, Ysidro (Self)
Harrell, Will (NAACP of Texas)
Hooks, Connie (City of College Station)
Jones, Johnnie (Self)
Littles, Paula (Texas AFL CIO)
McElveen, Kenneth (Self)
Milam, Toni (City of Buda)

Morstad, Tim (AARP)

Park, Jodi (Coalition of Texans w/Disabilities/CTD)

Tafoya, Marcelo (Self and Lulac (League of Latin American Citizens))

Woodford, Suzy (Common Cause Texas)

On: Raborn, Steve (Self and Tarrant County Elections)

HB 1290

On: Ashley, Natalia Luna (Texas Ethics Commission)

Registering, but not testifying:

For: Courage, John (True Courage Action Network)

TEXAS HOUSE OF REPRESENTATIVES

COMMITTEE ON ELECTIONS

FEBRUARY 28, 2007

(EXCERPT OF HEARING REGARDING

HB 1290, HB 266, HB101, HB 218 AND HB 626)

Transcribed by Jean Thomas Fraunhofer, CSR

April 30, 2012



Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007340

TX_00205011

(TIMER: 1:18:28 to 4:36:31)

CHAIRMAN BERMAN: The chair calls Russ Duerstine. Russ, would you state your name and who you're representing? And you're showing as being against House Bill 265.

MR. DUERSTINE: Thank you, Mr. Chairman. Russ Duerstine, Tom Green County Republican Party chairman located in San Angelo, Texas. And I do rise to speak against the committee substitute. I -- My primary concern is voter fraud. It is the ability to move large amounts or even small amounts of voters in a short period of time. I do believe the ability for somebody to vote, even if they're living in the YMCA, is something they should be able to do. And because they can do that, it would be very easy to move a significant number of people for one night to the YMCA, register to votes that day and effect an election.

I have three county districts or three precincts that are very Republican in county. I have one that's really close, 50/50. Conceivably, I could convince a handful of people to move to that one precinct where it's really close between Democrats and Republicans, get them to register at the YMCA that's in that precinct that's close, and they're all going to vote for people on the ballot they like anyways, so we



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 could affect a commissioner's race in that one precinct.

2 I would never do that -- never consider
3 doing that, but I can imagine it being done at a county
4 level. I can imagine it being done at a congressional
5 district, and God forbid we have state races where
6 people are imported from other states to affect who
7 Texans pick as their governor, lieutenant governor,
8 senator, what-have-you. So I'm very concerned about the
9 ability to affect an outcome by having people to
10 register to vote in a temporary living facility such as
11 the YMCA.

12 CHAIRMAN BERMAN: Members, any questions?
13 Mr. England?

14 REPRESENTATIVE ENGLAND: Are you aware
15 that if they lived at the YMCA, they'd have to have a
16 utility bill addressed to the person dated not earlier
17 than the 30th day before the person seeks to vote? Is
18 that right, Mr. Anchia?

19 REPRESENTATIVE ANCHIA: We would deny a
20 person living at the YMCA who does not have a utility
21 bill in their home.

22 REPRESENTATIVE ENGLAND: I sure hope so.
23 I sure hope so according to -- Again Mr. Anchia, can you
24 help me there? Would I want to deny somebody --

25 CHAIRMAN BERMAN: Mr. Anchia, if you could



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 answer the question.

2 REPRESENTATIVE ANCHIA: Thank you,
3 Mr. Chair. The bill reads you as follows. You either
4 have to present a driver's license to prove you're -- a
5 valid driver's license to prove your residency at a
6 particular precinct or in the absence of that, you could
7 provide a -- a utility bill that had your address on it
8 that was valid for an -- and I'll read the language
9 specifically for you, but it would be utility bill,
10 address of the person, dated not earlier than 30 days
11 before the date the person seeks to vote. So not
12 earlier is the key language there. And a Texas driver's
13 license or state Voter ID that was out of date
14 potentially that, for example, at your old address. So
15 you'd have the utility bill from your current address,
16 the driver's license with the photo ID or the state ID
17 at the old address or a passport or a -- a US military
18 identification card.

19 So the key is to determine the address,
20 your current address and that could be done through a
21 valid driver's license, a valid state ID or a utility
22 bill plus the other form of identification. So, I mean,
23 the scenario -- Well, I'll speak in my closing to -- to
24 the -- to some of the concerns about voters coming in
25 and voting on or being imported from other states.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 MS. EDELMAN: It just seems to me
2 relatively easy to establish residence and/or you have
3 to deny people who are legitimately in that situation
4 the ability to vote and neither seemed probable to me.

5 CHAIRMAN BERMAN: Members, any other
6 questions? Russ, thank you for your testimony.

7 REPRESENTATIVE ENGLAND: Thank you,
8 Mr. Chairman.

9 CHAIRMAN BERMAN: The chair calls Tina
10 Benkiser?

11 MS. BENKISER: Thank you, Mr. Chairman.
12 My name is Tina Benkiser on -- here on behalf of myself
13 as well as the Republican party of Texas where I serve
14 in a voluntary capacity as its chairman. I think
15 there's one point that needs to be made in considering
16 this particular bill. Under the provisions of HAVA, a
17 voter registration must be checked against the Social
18 Security database or the DPA driver's license database.
19 At this time no county has the ability to do that check.
20 Only the Secretary of State does, so -- so no county
21 could voluntarily choose to participate unless it has an
22 expensive contract with DPS or the Social Security
23 Administration.

24 CHAIRMAN BERMAN: Members, any questions?
25 Mr. Anchia?



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 REPRESENTATIVE ANCHIA: Yes, ma'am.
2 Thanks, Ms. Benkiser. If the Secretary of State gave a
3 county the -- the ability or contracted with the
4 county -- gave the county the ability to access its --
5 its files to verify the very information that you
6 suggested, do you believe that that would be HAVA
7 compliant?

8 MS. BENKISER: I'm not an expert in HAVA.
9 I understand -- What I would say is I'm sure the
10 Secretary of State would be able to give you that --
11 that information. I think we also had an expert -- a
12 former Federal Elections Commission expert that would be
13 better able to answer that question than I would.

14 REPRESENTATIVE ANCHIA: And you are aware
15 that the bill provides the Secretary of State the
16 opportunity to create rules to implement the temporary
17 pilot program, and those rules certainly could include
18 access to the Secretary of State's database to check the
19 very information that you are concerned about, correct?

20 MS. BENKISER: Again, I'm simply saying
21 that under the provisions, currently there is no county
22 that can do that, and, in fact, if you look at the
23 counties that are already on line with the Secretary of
24 State's office, there are only 126 out of 254 and none
25 of those are large counties. There's probably pretty



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 good reason for that. We're still in the developmental
2 stage, so I think we really shouldn't get the cart
3 before the horse in this.

4 REPRESENTATIVE ANCHIA: And you realize
5 that this is a voluntary program so that --

6 MS. BENKISER: That's --

7 REPRESENTATIVE ANCHIA: -- a county
8 that -- that --

9 MS. BENKISER: I realize that.

10 REPRESENTATIVE ANCHIA: -- that would be
11 interested in participating would have to have the
12 ability to implement the program?

13 MS. BENKISER: Right. And, currently,
14 they could not do that unless they had an expensive
15 contract. I know there's been some testimony that there
16 was no fiscal note. I think there's probably been
17 testimony just recently that there was indeed a very
18 huge fiscal note. I'm simply saying this is one more
19 element of that. Thank you.

20 REPRESENTATIVE ANCHIA: Thank you,
21 Ms. Benkiser.

22 CHAIRMAN BERMAN: Members, any other
23 questions?

24 UNIDENTIFIED SPEAKER: Question for you.
25 Any concern with voter fraud?



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 MS. BENKISER: I'm always --

2 UNIDENTIFIED SPEAKER: Just curious.

3 MS. BENKISER: -- concerned about voter
4 fraud. Unfortunately, it is still alive and well in
5 Texas, but, again, I think the point here -- and I will
6 be addressing some things later, but certainly with any
7 of these issues, there is -- and I never cease to be
8 amazed at the creativity of people out there who want to
9 keep every -- every qualified citizen from having their
10 one vote and having their one vote counted. Yes, there
11 are always voter fraud concerns.

12 UNIDENTIFIED SPEAKER: Any concern that
13 this particular bill would increase voter fraud cases?

14 MS. BENKISER: I have not sat down and
15 given that a great deal of thought. I will tell you I
16 served as election judge for many years, and every time
17 there's a system devised to minimize, there are people
18 who found ways around it. I've seen many, many things,
19 and I certainly can see that this would provide that
20 opportunity as well.

21 UNIDENTIFIED SPEAKER: Any idea how many
22 voter fraud cases were prosecuted in Texas last year?

23 MS. BENKISER: I know that the Secretary
24 of State forwarded about 50 cases of voter fraud to the
25 Attorney General for action since 2004. That certainly



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 does not include any and all cases that may have been
2 sent to district attorneys across the state. Of course,
3 the Attorney General only has jurisdiction in
4 multi-county race races. So I don't know that
5 particular number, if that -- if that answers your
6 question.

7 UNIDENTIFIED SPEAKER: No idea how many
8 cases outside of the AG's office?

9 MS. BENKISER: I know lots of specific
10 instances, but I do not know of a solid number outside
11 of the AG's office. No, sir, I don't.

12 UNIDENTIFIED SPEAKER: Thank you.

13 CHAIRMAN BERMAN: Ms. Benkiser, thank you.
14 Mr. Burnam?

15 REPRESENTATIVE BURNAM: I just wanted a
16 clarification on the fiscal note. I think what you were
17 talking about was the fiscal note on the original bill
18 which would have -- because it wasn't voluntary had an
19 extension. This is strictly voluntary, and so it will
20 be a fiscal note for the individual county which means
21 whatever election administrator is in charge, they'd
22 have to go justify it to their county judge or the
23 appropriate administrator; is that right?

24 MS. BENKISER: Well, my primary point here
25 was that under the current provisions of HAVA and given



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

10

1 that those voter registrations have to be checked
2 against either the Social Security database or the DPS
3 driver's license base, that no county has the ability to
4 do that, and so, in fact, any of those counties who
5 voluntarily chose to participate would in fact have to
6 have a contract with DPS or with the Social Security
7 Administration or something of that nature in order to
8 even do what you're -- you're giving them the ability to
9 voluntarily do.

10 REPRESENTATIVE BURNAM: So you're really
11 kind of putting people on due notice. If you do do
12 this, it's going to cost you more than you might be
13 thinking a county.

14 MS. BENKISER: I'll just say you guys have
15 5,000 bills or so that will probably be filed before the
16 end of the session. There are numerous things that are
17 truly important for the State to do. I'm simply up here
18 to point out that in this particular bill, it's really
19 sort of nonsensical, if you will.

20 REPRESENTATIVE BURNAM: So in answer to my
21 question, my question to you was about your giving
22 notice that the fiscal note to a county might be higher
23 than what they were thinking?

24 MS. BENKISER: Absolutely. That is one
25 notice, but they cannot voluntarily participate unless



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007349

TX_00205020

11

1 they take an additional step. They do not in their own
2 right as it stands under this bill have the ability to
3 do what you're giving them the opportunity to do.

4 REPRESENTATIVE BURNAM: I appreciate your
5 warning to my election administrator. Thank you.

6 MS. BENKISER: Thank you.

7 CHAIRMAN BERMAN: Thank you, Ms. Benkiser.
8 Chair calls Mario Champion. Mr. Champion?

9 THE CLERK: He had to leave.

10 CHAIRMAN BERMAN: Okay. We show
11 Mr. Champion as being for the bill. Are there any other
12 witnesses that would like to testify for, on or against
13 the bill? Do you have a registration form, sir? What
14 is your name, sir?

15 MR. BORDEN: Bill Borden.

16 CHAIRMAN BERMAN: Borden, b-O-R-D-E-N.
17 Let me look through this here. Mr. Borden, I'm going to
18 ask you to come up and testify, and we'll complete
19 another form for you just as soon as you're finished.

20 MR. BORDEN: And I'll certainly fill it
21 out first.

22 CHAIRMAN BERMAN: Okay. Mr. Borden, just
23 one second, please. You have to sign the affirmation
24 form first before you testify.

25 MR. BORDEN: I have to sign that. Okay.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007350

TX_00205021

1 Sure. Be happy to.

2 CHAIRMAN BERMAN: The affirmation form is
3 your --

4 MR. BORDEN: Signed it on some other
5 bills. I can sign it on this one if you want.

6 CHAIRMAN BERMAN: Yeah. Give him another
7 affirmation form, please.

8 MR. BORDEN: I'm sorry. Okay. Can I fill
9 out the rest of the form address after I testify?

10 CHAIRMAN BERMAN: Well, just sign that in
11 the case -- that you swear that the testimony you are
12 about to give is true and is truth and nothing but the
13 truth. That takes place at a oath -- takes place at a
14 oath. And you're testifying on committee substitute
15 House Bill 265?

16 MR. BORDEN: Right. I'm testifying
17 against.

18 CHAIRMAN BERMAN: All right. Would you
19 state your name, sir, and who you're with?

20 MR. BORDEN: Yes, sir.

21 CHAIRMAN BERMAN: I'm with myself. My
22 name is Bill Borden, B-O-R-D-E-N, like Borden Ice Cream,
23 milk, cottage cheese. Good food. I'm from Harris
24 County. Mr. Anchia asked a question earlier about
25 anybody getting heartburn from some of the things that



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 have been missing here, and I am, bad.

2 Mr. Chairman, I am the former -- first of
3 all, I've been an election judge, election clerk, member
4 of an early ballot board, member of the signature
5 verification committee, a primary director and chairman
6 of a ballot security committee for the Republican party
7 since the mid-'60s. That's before many of you were
8 born. I've had a little experience with elections, and
9 I question when I hear information from other states
10 about the integrity of the process of same day voter
11 registration. I seriously question the veracity of that
12 information just based on my own experience here in the
13 State of Texas.

14 Let me -- Let me just mention a few things
15 to you about this. First of all, I think this is a
16 slippery slope in the direction of same day voter
17 registration, and we some sub information from a number
18 of voter registrars around the State of Texas that will
19 tell you that the integrity of the voter registration on
20 same day voter registration just absolutely cannot be
21 verified with any significance -- significant accuracy,
22 and I think that the -- that the testimony that's been
23 previous here has indicated some of that.

24 I've got a three page list in 9 and a half
25 point type on war stories of voter fraud that's occurred



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquireolutions.com

1 in the State of Texas. I want to tell you about one --
2 one to two cases that we've dealt with. We have one
3 case in suburban Harris County area where a person was
4 registered to vote in two counties, and the reason he
5 was is because he lived in two counties. How did he
6 live in two counties? The county line split his house.
7 He made the -- He made the case that -- that when he
8 slept in the bedroom, he was -- one bedroom, he was in
9 one county. When he slept in another bedroom, it was
10 another county. His -- When he got caught, he said,
11 well, I'm a taxpayer in both counties. I ought to be
12 able to vote in both counties. Well, I -- that's hard
13 to argue with except that he was registered to vote
14 twice and voters license, and this is not uncommon.

15 We've caught a number of other people that
16 have been registered to vote twice because the county
17 line split their house in suburban areas of major
18 cities. In -- In the suburban -- one suburban area, we
19 found 300 -- over 300 ballots by mail that were avoided
20 by proxy for advanced Alzheimer's patients at a nursing
21 home. Another case, we found -- at an early location,
22 we found over 200 ballots that were cast by people
23 voting and appearing at polling places in alphabetical
24 order. When they were questioned by the election judge
25 and the election clerk, said, well, the people just



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

15

1 happened to show up that way.

2 Ladies and gentlemen, the problem we have
3 with voting in the State of Texas is that we need to
4 make sure that everybody's right to vote is protected
5 and equally as important. We need to make sure that the
6 integrity of the process is also protected, and right
7 now, we have serious problems with the integrity of the
8 voting process in the State of Texas and that needs to
9 be addressed. At the present time, 18 year olds can
10 register to vote at 17 years and 10 months of age. As a
11 deputy voter registrar, ever since the deputy voter
12 registrar law went into effect, I've registered a number
13 of those people because I've gone to my church that has
14 a school with it, and I've registered some of those
15 students that have just turned or going to be 18 before
16 the next election.

17 We had a -- We had a case in Harris County
18 where we had 113 percent voter turn out folks. That's
19 13 percent more than there are registered voters.
20 The -- the -- The issues that we deal with and I think
21 this committee ought to be dealing with are issues to
22 protect the integrity and the veracity of elections in
23 the State of Texas more so than -- engage more people to
24 participate in the elections because the participation
25 is available. Now, the people who don't participate are



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007354

TX_00205025

16

1 the ones who just don't show up to vote. Thank you,
2 Mr. Chairman.

3 CHAIRMAN BERMAN: Mr. Borden, let me see
4 if there are any questions. Mr. Anchia?

5 REPRESENTATIVE ANCHIA: Thanks for
6 testifying, Mr. Borden. I appreciate your testimony. I
7 appreciate you being here today. I -- You mentioned a
8 couple of things I just want to clarify.

9 MR. BORDEN: Okay.

10 REPRESENTATIVE ANCHIA: You talked
11 about -- talked about substantial information that had
12 been presented about -- from across the state about how
13 same day voter registration creates fraud. Can you
14 document that for me?

15 MR. BORDEN: I don't have that all with
16 me. I can't --

17 REPRESENTATIVE ANCHIA: Do you have any of
18 it with you?

19 MR. BORDEN: I don't have any of it with
20 me.

21 REPRESENTATIVE ANCHIA: Okay.

22 MR. BORDEN: I don't have any of that with
23 me. I tell you -- I want to tell you this a
24 substantial -- I was formerly in a private investigation
25 business, and some of the issues that we dealt with in



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007355

TX_00205026

1 voter fraud involved some of the investigation that we
2 did. I will tell you -- and, by the way -- Well, my
3 second point. I will tell you that much of the
4 information that we have on that is intuitive and
5 empirical rather than having the concrete information to
6 show that it's -- that to show you all that we have it
7 here.

8 I will tell you this. I was involved in
9 2000 down in the State of Florida counting chads, and we
10 found -- we were sitting there in rooms with multiple
11 people counting chads of observing voting fraud -- voter
12 fraud taking place in our presence with at least two
13 people who had fingernails sharpened to a point so as
14 they counted punch card ballots, they were punching
15 holes in the ballots.

16 REPRESENTATIVE ANCHIA: Can I ask you what
17 hanging chads has to do about same day voter
18 registration?

19 MR. BORDEN: Just has to do with the fact
20 that there is some voter fraud that is associated
21 with --

22 REPRESENTATIVE ANCHIA: Okay.

23 MR. BORDEN: -- the integrity of the
24 process. My -- One of my concerns with same day voter
25 registration is a slippery slope that we're looking at.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquireolutions.com

1 We're looking at -- We're looking at moving into the
2 direction of same day voter registration. We're looking
3 at making it more possible for people -- for more people
4 to be registered voters, which I have no problem with,
5 providing we can verify the veracity of voters.

6 REPRESENTATIVE ANCHIA: Are you aware that
7 seven states have same day voter registration?

8 MR. BORDEN: I'm very aware of that.

9 REPRESENTATIVE ANCHIA: Would you
10 characterize Idaho as a state that -- where there's a
11 lots of voter fraud or a state that is --

12 MR. BORDEN: No, sir.

13 REPRESENTATIVE ANCHIA: -- not -- not
14 conservative or not protective of its -- of its election
15 system?

16 MR. BORDEN: I knew that question was
17 coming. I would -- I would say this about it. You
18 know, I don't know.

19 REPRESENTATIVE ANCHIA: About Idaho?

20 MR. BORDEN: Yeah. It's in this, but I
21 don't know that -- I don't know -- I don't know what
22 kind of problems they have, if they have any at all.

23 REPRESENTATIVE ANCHIA: Okay.

24 MR. BORDEN: But I do know this. Based
25 upon my own experience in having dealt with issues in



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

19

1 the State of Texas, I do know that there is no possible
2 way that they could confirm the veracity of voters
3 registered on election day. No possible way. It can't
4 be done.

5 REPRESENTATIVE ANCHIA: You said you know
6 of no situation in Idaho. Do you know of a situation in
7 Wyoming?

8 MR. BORDEN: I don't know --

9 REPRESENTATIVE ANCHIA: Do you know --

10 MR. BORDEN: If the state --

11 REPRESENTATIVE ANCHIA: Do you know the
12 situation of New Hampshire?

13 MR. BORDEN: I don't know the cases in any
14 of those states.

15 REPRESENTATIVE ANCHIA: Of Maine,
16 Minnesota --

17 MR. BORDEN: Don't know any of them.

18 REPRESENTATIVE ANCHIA: Wisconsin? Okay.
19 I just wanted to check.

20 MR. BORDEN: No, I haven't checked those.

21 CHAIRMAN BERMAN: Because you talked about
22 war stories and war stories sometimes are like fish
23 stories. They're not true, so -- so when you -- when
24 you -- when you -- when you talk about sort of
25 widespread substantial information and widespread voter



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007358

TX_00205029

1 fraud related to to same day voting, I just would like
2 to know if you have anything to substantiate that claim.

3 MR. BORDEN: Do I have such? I have three
4 sheets, three pieces of paper here with nine point type,
5 three columns, with the issues that have occurred in the
6 State of Texas.

7 REPRESENTATIVE ANCHIA: On same day voter
8 registration?

9 MR. BORDEN: Not on same a voter
10 registration.

11 REPRESENTATIVE ANCHIA: Oh, okay. I
12 just -- I just --

13 MR. BORDEN: Not on same day.

14 REPRESENTATIVE ANCHIA: I'm checking.
15 Just checking.

16 MR. BORDEN: Registration, I'm not -- I'm
17 not talking about that. What I'm telling you is that
18 this is a slippery slope direction of the inability to
19 verify the accuracy of the people who are registered to
20 vote.

21 REPRESENTATIVE ANCHIA: Thanks for your
22 testimony.

23 CHAIRMAN BERMAN: Mr. Borden, we found
24 your witness affirmation form for another bill, but you
25 have to fill one out for each bill.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 MR. BORDEN: I did. I -- I -- I did
2 after.

3 CHAIRMAN BERMAN: Yeah. Well, you can
4 finish that one right there, Bill.

5 MR. BORDEN: I will.

6 CHAIRMAN BERMAN: And we'll take care of
7 that. Thank you.

8 MR. BORDEN: Thank you very much, sir.

9 CHAIRMAN BERMAN: You bet. Did you find
10 it? All right. Can we have your form? You will be
11 shown voting in favor of the bill. Thank you very much
12 for bringing it to our attention. Ladies and gentlemen,
13 is there anyone else who wishes to testify on, for or
14 against the committee substitute to House Bill 265?
15 Seeing none, the chair calls on Mr. Anchia to close.

16 REPRESENTATIVE ANCHIA: Thank you,
17 Mr. Chair. I appreciate the testimony of all the
18 witnesses and the dialogue that we've been able to have
19 related to this bill. It seems like most of the people
20 that have testified against were concerned about voter
21 fraud. The reality is that there's no evidence of voter
22 fraud in any of the states that have -- there's no
23 evidence of voter fraud related to same day registration
24 in any of the states that -- that currently have it.

25 What it has shown is that it's an



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 increased turn out substantially in all those states,
2 and I will point out, you know, Charlie just said you
3 may have a partisan bill. This has nothing to do with
4 red or blue, nothing to do with Republican or Democrat.
5 Idaho's a Republican state. Montana's a Republican
6 state. Wyoming's a Republican state. They all have
7 same day voter registration. This is about access.
8 This is about giving the opportunity -- giving the
9 opportunity to people to come register to vote on the
10 same day that they want to vote because of whatever
11 circumstances. There are very conservative provisions
12 in this pilot program that prevent voter fraud.

13 It was suggested that people might come
14 from other states in bus loads to vote. That can
15 absolutely not happen under this pilot program because
16 people would actually have to reside in the precinct
17 where they said they live, and they would have to show
18 identification to prove that. So the suggestion is
19 absolutely absurd that people would come from other
20 states and immediately be able to register and have the
21 opportunity to vote, to say that is to not read the
22 committee substitute, not understand the bill.

23 Mr. Chairman, I would hope for your
24 favorable consideration of this bill and that we have
25 the opportunity to vote it out post haste. Thank you



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 for the opportunity, Mr. Chairman, to lay it out, and --
2 and I especially appreciate, Mr. Chairman, your
3 constructive dialogue on this bill and your giving me
4 the ability to improve it. Thank you.

5 CHAIRMAN BERMAN: Thank you, Mr. Anchia.
6 Members, we have three other witness forms that just
7 came in. Mary Hatfield does not wish to testify, but
8 she's shown as being against House Bill -- committee
9 substitute to House Bill 265. Susan Barrick being shown
10 as being for committee substitute to House Bill 265, and
11 Johnnie Jones, no testimony, but she's being shown to be
12 for committee substitute to House Bill 265.

13 Members, if there's no objections, the
14 chair at this time withdraws the committee substitute to
15 House Bill 265 and will leave House Bill 265 pending as
16 is the custom of the committee.

17 The Chair lays out House Bill 1290 by
18 Mr. Macias. Mr. Macias, will you please tell us about
19 your wonderful bill? I didn't sign those last three.

20 REPRESENTATIVE MACIAS: Well, good
21 evening, Mr. Chairman. Thank you so much for the
22 opportunity, and my esteemed colleagues and members of
23 the committee. I'm here today to lay out House Bill
24 1290. It's a very simple bill, and I will not be asking
25 any questions of our esteemed committee. I will receive



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 any questions that you might have.

2 The clarification of the bill that defines
3 the parties who can appeal an ethics commission final
4 decision. The current code on Section 5733 of the
5 Government Code says that -- allows a person to file a
6 petition for appeal and that idea of person is not
7 defined, so it can be a person unrelated to the
8 complaint. For example, if I was to have rendered --
9 there was a decision rendered by the ethics commission,
10 a decision on a complaint that I filed against another
11 member, if you will. Our current law allows any
12 unrelated person, any person in this room or any other
13 person would be able to file an appeal of that decision.
14 And the bill would -- This bill, as I've laid out, would
15 limit the appeal process to just the complainant and the
16 respondent. And it helps to define and clarify which is
17 currently in the law as fairly broad and just the word
18 person. So we're just trying to make sure that we can
19 clean this up.

20 The Texas Ethics Commission Task Force had
21 generated a report, and this is one of the
22 recommendations that was in that report to help clarify
23 from this point forward this idea of who in fact can
24 file for an appeal of a final decision by the
25 commission. With that, I will be open to any other



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 questions, Mr. Chairman.

2 CHAIRMAN BERMAN: All right. Mr. Macias,
3 thank you very much. Members, do you have any questions
4 for Representative Macias?

5 REPRESENTATIVE ANCHIA: I'm just curious
6 how many bills you've presented before committees today.

7 REPRESENTATIVE MACIAS: This is my third
8 bill.

9 REPRESENTATIVE ANCHIA: This is your a
10 good. All right. I had my first today, and so I was
11 just wondering if you've been down this road before.

12 REPRESENTATIVE MACIAS: Yes, I have. Yes,
13 I have.

14 CHAIRMAN BERMAN: Members, any other
15 questions? No other questions. We show John Courage?
16 No testimony, being for the bill, and we have Natalia
17 Luna Ashley as -- Mr. Burnam? We have Ms. Ashley as a
18 witness for the Texas Ethics Commission, if any of you
19 have any questions for her.

20 Okay. Ms. Ashley, will you please come
21 forward? Natalia? Thank you. State your name and who
22 you are with.

23 MS. ASHLEY: Natalia Ashley, Texas Ethics
24 Commission.

25 REPRESENTATIVE ENGLAND: Hi, Ms. Ashley.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 The testimony earlier was that this was one of the
2 recommendations for the Texas Ethics Commission; is that
3 right?

4 MS. ASHLEY: Just a recommendation for
5 clarification of the law, yes, sir.

6 REPRESENTATIVE HOWARD: Okay. So
7 clarification. Was your clarification that you only
8 wanted these two claimant and/or the respondent or was
9 it you just wanted to say some definition of who the
10 person was?

11 MS. ASHLEY: When the commission set out
12 its request for clarification, it presented three
13 options, and the commission is not taking any position
14 on any one of the options. One of the options was just
15 the respondent being able to appeal. The other option
16 was the respondent and the complainant and that the
17 other option was any person. Basically, the commission
18 was just seeking a clarification as to what the
19 legislature would want in this area of law.

20 REPRESENTATIVE HOWARD: Well, current
21 law -- As we I read this, current law says any person
22 could appeal. Is that not right?

23 MS. ASHLEY: That's correct.

24 REPRESENTATIVE HOWARD: So that was one of
25 your options.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 MS. ASHLEY: The law says a person, and so
2 we were unclear as to whether the legislature wanted --
3 intended that to be any person.

4 REPRESENTATIVE HOWARD: Okay. So if I
5 hire a political consultant and I'm paying them money
6 and they're supposed to keep up with these things,
7 they've been involved by hiring an attorney to help me,
8 if I'm a respondent, whatever, or complainant or if one
9 of my constituents comes to me and wants me to file a
10 complaint to whatever, and they want to follow up, and
11 they want to appeal under this bill, they would not be
12 able to do that; is that correct?

13 MS. ASHLEY: That's correct.

14 REPRESENTATIVE HOWARD: So --

15 MS. ASHLEY: It would only be the person
16 against whom the complaint was filed and the person who
17 filed the complaint.

18 REPRESENTATIVE HOWARD: That the person
19 that I'm paying -- I being an attorney or a political
20 consultant to follow this for me would not be able to do
21 that?

22 MS. ASHLEY: If that person was not a
23 respondent or a complainant, that's correct.

24 REPRESENTATIVE HOWARD: Whether the --
25 Most of the complaints are filed against the person



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 running for office typically or person who's given a
2 gift or whatever; is that correct.

3 MS. ASHLEY: Most of the respondents are
4 candidates or officers for an elective office.

5 REPRESENTATIVE HOWARD: All right. So
6 your -- your -- your question was clarification about
7 who a person is.

8 MS. ASHLEY: Yes.

9 REPRESENTATIVE HOWARD: Okay. And what I
10 have suggested to you is a person could be a consultant,
11 could be an attorney, could be a constituent who is
12 interested in the case.

13 MS. ASHLEY: That's right. And I think
14 that the law could be interpreted to mean that and it
15 would and that is the desire of the legislature adding
16 the word any person would make that clear.

17 REPRESENTATIVE HOWARD: Okay. So -- So
18 all you really were asking for was clarification.

19 MS. ASHLEY: Yes, sir.

20 REPRESENTATIVE HOWARD: You weren't saying
21 we wanted to be the complainant and the respondent only.
22 You were just asking for a clarification --

23 MS. ASHLEY: That's correct.

24 REPRESENTATIVE HOWARD: -- who a person
25 is.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 MS. ASHLEY: That's right.

2 REPRESENTATIVE HOWARD: Okay. How would
3 you define who a person is?

4 MS. ASHLEY: I think the way that the law
5 is currently written, it would be any person.

6 REPRESENTATIVE HOWARD: Okay.

7 MS. ASHLEY: It could probably mean that.

8 REPRESENTATIVE HOWARD: I am very
9 confused. You'll have to help me, and I apologize. If
10 we're saying the current law says a person, and you are
11 asking for clarification of who's the person.

12 MS. ASHLEY: Well, what we are -- May I
13 give you an example?

14 REPRESENTATIVE HOWARD: Yes, ma'am.

15 MS. ASHLEY: If -- Let's say that a -- an
16 individual files -- a complainer files a complaint
17 against an official. The commission deliberates and
18 makes a determination that a violation occurred, reaches
19 a resolution with the official. The official signs the
20 order. The commission pays the fine, whatever the case
21 may be, and the law as currently written would allow
22 anyone potentially to appeal that decision.

23 REPRESENTATIVE HOWARD: Is that a bad
24 thing?

25 MS. ASHLEY: I mean, I don't know. That



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 has never happened. I mean that's -- We have had
2 situations where respondents appeal a commission
3 decision to this report. In the 1,700 complaints filed
4 with the commission, that has happened three times. The
5 number of complaints increase on a yearly basis. Last
6 year we had 270. We started off the first year with 49.
7 So this is not an issue -- a light issue that we've ever
8 dealt with. We -- Because the number of complaints are
9 increasing, the likelihood for this situation to arise
10 increases, so because the law currently says a person,
11 we wanted to try to seek some clarification. I think
12 that if the law is left as currently written, it could
13 mean any person.

14 REPRESENTATIVE HOWARD: Is there a problem
15 with that?

16 MS. ASHLEY: No. And that's -- that's --
17 No. I mean the commission is not in -- its
18 recommendation -- it's not saying we have a problem.
19 We're just saying this is an area of the law that we
20 think may create a problem. So to the extent that the
21 legislature wishes to clarify it or limit it to just a
22 respondent involved in a complaint or -- or the
23 respondent and the complainant, then that's something
24 that the commission thought --

25 REPRESENTATIVE HOWARD: You think the



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 commission would be open to having it to anyone who
2 represents a respondent or a complainant?

3 MS. ASHLEY: I think that the commission
4 is happy to do whatever the legislature would ask the
5 commission to do, and I think that this is just a -- an
6 area that the commission has addressed that may need
7 some clarification and perhaps not. Maybe what the
8 legislature intended was for any person to appeal a
9 commission decision regarding this one complaint matter,
10 and if that is the desire of the legislature, well,
11 that's really what the commission would do with the
12 current language of the law.

13 REPRESENTATIVE HOWARD: Thank you very
14 much.

15 CHAIRMAN BERMAN: Mr. Bohac?

16 REPRESENTATIVE BOHAC: Maybe this will
17 help maybe, Charlie. I don't know if this is the
18 direction you're going, but listening to the dialogue
19 here. What if it said a complainant, if any, or
20 respondent or agent of the complainant or respondent?

21 REPRESENTATIVE HOWARD: That -- She's just
22 looking for clarification. She doesn't have a problem
23 about it being in person, if that's what she --

24 MS. ASHLEY: Right.

25 REPRESENTATIVE HOWARD: If that's what we



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 meant. I think what you're saying is what you want to
2 know is what -- whoever relative law, that's us at this
3 present time, what we meant by that.

4 MS. ASHLEY: That's right.

5 REPRESENTATIVE HOWARD: And you don't
6 really care what we meant.

7 MS. ASHLEY: No.

8 REPRESENTATIVE HOWARD: Whatever we say
9 you're going to --

10 MS. ASHLEY: That's right. That's right.

11 REPRESENTATIVE HOWARD: -- follow.

12 MS. ASHLEY: And I.

13 REPRESENTATIVE HOWARD: You all are really
14 good about that, so --

15 MS. ASHLEY: Thank you.

16 REPRESENTATIVE HOWARD: You are just
17 trying to decide -- You want us to tell you what you
18 want -- what we want you to do.

19 MS. ASHLEY: That's right. We just
20 thought that perhaps this would be a good opportunity to
21 get feedback from you before we are faced with a
22 situation where the commission perhaps considers a
23 complaint, dismisses it and then you have an ordinary --
24 you have just any person appeal that to District Court
25 or reaches a resolution with a respondent and then



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquireolutions.com

1 appeals that to District Court. Again, this has never
2 happened, but it may, and so we were just trying to stay
3 a step ahead of the situation and try to seek
4 clarification.

5 REPRESENTATIVE HOWARD: Thank you.

6 CHAIRMAN BERMAN: I'll tell you, would you
7 be a lot more comfortable if we clarified that in the
8 law instead of just telling you? I think you'd like to
9 have it in writing.

10 MS. ASHLEY: Yes. I think our commission
11 would -- would prefer that.

12 CHAIRMAN BERMAN: Okay. Thank you very
13 much.

14 MS. ASHLEY: Thank you. Any other
15 questions?

16 CHAIRMAN BERMAN: No other questions.
17 Thanks, Natalia. Is there anyone else who would like to
18 testify on for or against House Bill 1290? Seeing
19 none -- Mr. Macias? Mr. Macias, let me ask you a
20 question.

21 REPRESENTATIVE MACIAS: Yes, Mr. Chairman.

22 CHAIRMAN BERMAN: I know you heard the
23 dialogue and you heard the words of Mr. Bohac. If we
24 just add in language concerning an agent of both the
25 client -- the complainant and the respondent --



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 REPRESENTATIVE MACIAS: Yes, sir.

2 CHAIRMAN BERMAN: -- could you do that
3 with a substitute or a committee substitute?

4 REPRESENTATIVE MACIAS: No doubt. In
5 fact, Representative Bohac read my mind as I was getting
6 ready for close that I'd be more than happy to address
7 the issues that Representative Howard brought up. As we
8 -- as we -- As we work this, we saw these options. We
9 were looking at some sort of way to clarify. I, as the
10 author of the bill, chose to use this option as the way
11 to get some clarification in, so I'm more than open,
12 Mr. Chairman, to amending this to get you a substitute
13 that we can add this idea of the agent.

14 CHAIRMAN BERMAN: Complainant or
15 respondent?

16 REPRESENTATIVE MACIAS: With that, I -- I
17 close and ask you to just leave this open pending.

18 CHAIRMAN BERMAN: Mr. Macias, you did a
19 great job.

20 REPRESENTATIVE MACIAS: Thank you.

21 CHAIRMAN BERMAN: As Mr. England said, we
22 really do appreciate your testimony, and we'll be
23 waiting to hear from you with your committee substitute.

24 REPRESENTATIVE MACIAS: Thank you.

25 CHAIRMAN BERMAN: Thank you very much.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 REPRESENTATIVE MACIAS: Thank you.

2 CHAIRMAN BERMAN: Members, we're now going
3 to take up three bills. Well, before we do that, let me
4 take up one other bill. Mr. Anchia, are you ready with
5 House Bill 266? The chair calls up House Bill 266 and
6 calls on Representative Anchia to provide information on
7 the bill. Do we have any testimony?

8 REPRESENTATIVE ANCHIA: Thank you,
9 Mr. Chairman. HB266 is a very simple bill. It
10 acknowledges the importance of voting and giving people
11 the opportunity to vote, and it honors with the creation
12 of a state holiday, the -- the days of an election and
13 state-wide elections. Since it adds to the list of
14 state-wide holidays, every day on which an election,
15 including a primary election, is held throughout the
16 state. Texas traditionally ranks near the lowest in the
17 nation in voter turnout. In the 1998 midterm elections,
18 Texas ranked 45th in voter turnout with just 39 percent
19 of registered voters. In 2000, it ranked 34th with
20 62 percent of registered voters. Excuse me. And in
21 2002, it ranked 43rd out of 50 states with just
22 44 percent of registered voters. In 2004, it ranked
23 48th in terms of voter turnout. A way to increased
24 turnout would be to declare a state-wide holiday where
25 state offices were closed, and it would give the



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 opportunity for people to come out. The bipartisan
2 Ford/Carter commission recommended in 2001 that Federal
3 elections be held on national holidays in order to
4 increase turnout, provide additional poll workers, to
5 increase -- excuse me -- to assist at the polls. This
6 would be a gateway to make sure we had more people
7 available to work the polls. I know a lot of people
8 have articulated concerns about the availability of poll
9 workers, and this would help solve that problem. With
10 that, I will take questions.

11 CHAIRMAN BERMAN: Mr. Anchia, I guess I'll
12 start. I'm looking at the fiscal note, and I just can't
13 believe the fiscal note when it says no significant
14 fiscal implications to the state is anticipated. When
15 you get the entire state off for one day, we lose a
16 day's productivity of every single employee of the
17 state. And they're saying that there is no -- no fiscal
18 implication.

19 REPRESENTATIVE ANCHIA: Yeah. It not only
20 says no fiscal implications to the state is anticipated,
21 but it also says no fiscal impact to local government.
22 So I take -- I take the comptroller's office at their
23 word on that, Mr. Chair.

24 CHAIRMAN BERMAN: This comes from the
25 legislative budget board. I may have to ask the



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 comptroller for their fiscal --

2 REPRESENTATIVE ANCHIA: I take the LBB at
3 their word, Mr. Chair.

4 CHAIRMAN BERMAN: I don't. I know that we
5 all get -- we all get paid -- as state employees, we
6 don't get paid very much, those of us on this dais, but
7 a state employee does get paid and when they're not
8 working on the job, the state loses that much
9 productivity, so there just has to be a fiscal note.

10 REPRESENTATIVE ANCHIA: Well, the fiscal
11 note wouldn't -- wouldn't change because you're paying
12 those employees anyway, but the --

13 CHAIRMAN BERMAN: But would not get any
14 productivity though.

15 REPRESENTATIVE ANCHIA: But the net cost
16 -- but the net cost would not be any greater than it is
17 now, and I'm sure that's why the -- the analysis shows
18 no -- no fiscal implication to the state because those
19 costs continue to be those costs.

20 REPRESENTATIVE BURNAM: Mr. Chair?

21 CHAIRMAN BERMAN: Mr. Burnam?

22 REPRESENTATIVE BURNAM: I'd just like to
23 ask a philosophical question of the chair. Except for
24 possibly child protective services and adult protective
25 services, wouldn't we be better off if there was



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 additional holidays and state employees weren't working?

2 CHAIRMAN BERMAN: Mr. Burnam, I think
3 there's a lot of state employees that will disagree.
4 Thank you for the question. I'll check with the
5 comptroller because there has to be some cost of people
6 not producing on their jobs and just staying at home.
7 Are there any other questions, members? If not, I'll
8 call on witnesses starting with Stephen Reeves. No
9 testimony, shown for the bill. Okay. Start handing
10 them over. Susan Barrick, no testimony shown for the
11 bill. Mary Hatfield, no testimony shown for the bill.
12 Johnnie Jones, no testimony shown for the bill. Kathryn
13 Dean, no testimony shown for the bill. Luis Figueroa,
14 no testimony shown for the bill. Ken Bailey, no
15 testimony shown for the bill. Teri Sperry, no testimony
16 shown for the bill. Mary Finch, no testimony shown for
17 the bill. Ysidro Gutierrez -- Gutierrez, no testimony
18 shown for the bill. Marcelo Tafoya? Marcelo Tafoya?
19 Is Marcelo here? All right. He's shown for the bill.
20 Dana DeBeauvoir without the gun.

21 MS. DE BEAUVOIR: Good evening, Mr. Chair
22 and members of the committee. My name is Dana
23 DeBeauvoir. I'm the Travis County Clerk, and I am
24 representing the county and district clerk's legislative
25 committee. So what we would like to share with you is a



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 couple of points that are really important about this
2 bill. County clerks are in favor of it.

3 The first point that we'd like to make is
4 we just get all aflutter at the idea of all of those
5 wonderful state employees and banking employees and, you
6 know, all of those folks who might be able to work the
7 election. That's -- That's a very exciting crop of
8 people who recruit. We're thrilled with that. But more
9 seriously, I think we're reaching a point where we're
10 going to have to contend with an issue that's evolving,
11 and the issue that I'm referring to is many, many of our
12 polling places are, in fact, public schools.

13 The public schools are crowded for space.
14 It's often difficult to have the polling place itself
15 with its workers plus the voters coming in, plus the
16 teachers, plus the children, and there has been growing
17 concern about mixing the population, especially smaller
18 children, middle school aged children, with just
19 incoming voters. And I -- I -- we -- we kind of
20 sympathize with parents who are concerned that, just the
21 general public in a precinct just walking into a school
22 that day. If the schools were closed because it's a
23 holiday, then we could have that separation between the
24 children and the voting population. And, also, we would
25 have facilities that would be much larger and could much



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 more accommodate what is also becoming an issue of long
2 lines forming, especially late in the day at the polling
3 place.

4 While our turnout might not be great
5 compared to other states, we certainly do experience
6 lines especially forming late in the day. So we would
7 just like to make that point to the committee that
8 separating the children from the voters might be
9 something we really should think about.

10 CHAIRMAN BERMAN: Do you think
11 superintendents would want to close their schools six
12 extra days a year?

13 MS. DE BEAUVOIR: We'll be glad for just
14 one extra day a year, if I could just have one. I don't
15 know. I don't have a position for -- for the school
16 boards. We do indeed need to ask them.

17 CHAIRMAN BERMAN: I didn't think you did.

18 MS. DE BEAUVOIR: I did suggest that we
19 would want to work and talk with -- with them.

20 CHAIRMAN BERMAN: Mr. Bohac?

21 REPRESENTATIVE BOHAC: Dana, how are you?

22 MS. DE BEAUVOIR: I'm doing great. Thank
23 you.

24 REPRESENTATIVE BOHAC: Welcome to
25 elections this year.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

41

1 MS. DE BEAUVOIR: Thank you. I see new
2 faces here.

3 REPRESENTATIVE BOHAC: Good to see your
4 smiling face again.

5 MS. DE BEAUVOIR: Thanks.

6 REPRESENTATIVE BOHAC: Just real quick,
7 really voting now is already a season. It's really not
8 just an election day anymore. In fact, what are the
9 statistics in your county of folks who do go vote early?

10 MS. DE BEAUVOIR: Oh, it's about 50/50.
11 About half of my voters will take advantage of early
12 voting.

13 REPRESENTATIVE BOHAC: And do you see that
14 increasing year over year as people become more
15 accustomed to early voting?

16 MS. DE BEAUVOIR: I think that statistic
17 varies from county to county depending on the kind of
18 program you run and how many polling places you have.
19 But, yes, certainly as people have gotten accustomed to
20 the convenience of early voting, it does seem to be very
21 popular.

22 REPRESENTATIVE BOHAC: And then, secondly,
23 as -- as we move to what I hope is more to the super
24 precinct concept, that also makes voting easier as well.
25 And I'm just trying to balance the need between making



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007380

TX_00205051

1 the polling locations available for more than just one
2 day, but, also, not asking the state and other companies
3 to necessarily take the cost of -- of giving people a
4 holiday. I think there's -- that's kind of old school
5 thinking. I think new school thinking is perhaps moving
6 more towards the super precinct concept and, also,
7 educating voters that voting is a season. It's no
8 longer a day.

9 So for us to argue that voting is just a
10 day and people don't have any other day to go vote when
11 they have weekends and evenings, and, I mean, truly
12 early voting is a season. Perhaps our job is to just
13 make sure people are as educated as they can be that
14 voting is no longer a day. That may be the better route
15 to go. I'm just kind of thinking along those lines.

16 MS. DE BEAUVOIR: Representative, we
17 concur with your concerns about the number of days, and,
18 you know, how we might perhaps not have to deal with an
19 additional cost so much as a lost productivity. It
20 seems like the question is a different question.

21 But I am so glad you brought up the idea
22 of super sites because we're going to run into a
23 problem. What's happened with super sites is they're
24 gaining in popularity. It looks like it's going to be a
25 terrific tool for the future. However, for the inner



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquireolutions.com

1 city, older parts of town, the dense, you know, center
2 city parts, it is going to be very difficult to find a
3 suitable structure that will hold enough people to be
4 able to serve as a super site. We promised Wal-Mart.
5 We can't very well deliver a 7-Eleven. It's just not
6 going to work, and, certainly, Colorado felt the bite of
7 that problem.

8 If we were to be able to use the schools
9 though, then we don't have to worry about -- some parts
10 of town have good infrastructure, some don't. The
11 school's very equitably distributed, and we would have
12 that facility and perhaps the entire school doesn't have
13 to shut down. Perhaps only if we were going to super
14 sites, just the gymnasium or something large like that.
15 We appreciate this tie-in with super sites.

16 REPRESENTATIVE BOHAC: Sure. And not to
17 get off on a rabbit trail, I mean, that will be a
18 discussion for a different day on this committee that --
19 the super precincts, but I think your point is well
20 taken. It's not just a direct cost of paying the labor
21 force at all. There's the -- There's the indirect cost
22 of lost productivity, so this would be a huge financial
23 impact. I don't know if I much agree with the -- the
24 LBB's concept of no fiscal impact to the state. I would
25 have to look at the way they're measuring that. Maybe



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 just direct cost, but there's certainly some substantial
2 indirect cost in terms of lost productivity that would
3 have to be -- that would be paid for by somebody, and I
4 just think about elections being a season.

5 Now, this may not be as forward thinking
6 as it is. I think we just -- we just need to look -- I
7 think the super precinct concept and then the election
8 season is addressing what -- what this bill is
9 attempting to solve.

10 CHAIRMAN BERMAN: Members, witnesses,
11 before we go on, I want to caution you, we have three
12 major bills that are coming up in just a few moments,
13 and I want to ask that when you testify, don't repeat
14 what other witnesses have said. We have it all on tape
15 and on television. Just please add anything new that
16 you want to add. Dana -- Oh, I'm sorry, Mr. Anchia.
17 Did you have --

18 REPRESENTATIVE ANCHIA: Yeah. Just really
19 quickly in response to Mr. Bohac's and Mr. Burnam --
20 Chairman Burnam's concern. I wasn't crazy -- I actually
21 did take the comptroller out there. What I have before
22 me dated January 29, 2007, the comptroller public
23 accounts fiscal note estimate which says that this bill
24 -- let's see -- this bill would have no fiscal impact on
25 the state or units of local government.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquireolutions.com

1 So in addition to LBB, we have a
2 determination by the comptroller of public accounts and
3 their fiscal note estimate dated January 29, 2007 that
4 it would have no fiscal impact on the state or units of
5 local government. This bill would have no effect on the
6 state's cash flow. There would be no administrative
7 cost to the comptroller's office, and their methodology
8 said because state agencies are required to maintain
9 sufficient staff on duty to conduct business during
10 state holidays, state agencies and institutions of
11 higher education would continue to function on these
12 election days, thereby, allaying some of the concerns
13 both the chairman and the vice-chairman have with
14 respect to this. I wanted to read that into the record
15 before we wasted too much time thinking about those
16 concerns.

17 And, Mr. Bohac, you pointed out that we
18 don't -- in addition, during the testimony, you pointed
19 out that we do not want to require companies to do
20 things. This bill does not require companies to do
21 anything. Companies can choose one way or the other
22 whether they want to stay open or closed, and I just
23 want to make that clarification before Ms. DeBeauvoir
24 finished her testimony. Thank you.

25 CHAIRMAN BERMAN: Thank you, Mr. Anchia.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 You haven't relieved my concerns. When you allow a
2 whole staff of people to go with a payroll of a half
3 billion dollars in doing absolutely nothing but going to
4 the polls, a half billion dollars worth of productivity
5 is wasted, I'm sorry to say, and I'll be speaking to the
6 comptroller about that and, also, to the legislative
7 budget board, but let's not -- let's not --

8 REPRESENTATIVE ANCHIA: Well, I'd just
9 like to point out entire staffs would not be sent to the
10 polls. It would say --

11 CHAIRMAN BERMAN: I didn't say that.

12 REPRESENTATIVE ANCHIA: It would say state
13 -- And I'm reading from the comptroller, and, again, I
14 take them at their word. State agencies are required to
15 maintain sufficient staff on duty to conduct the
16 business of the state during state holidays. State
17 agencies and institutions of higher education would
18 continue to function on these days.

19 CHAIRMAN BERMAN: Thank you. Thank you,
20 Dana.

21 MS. DEBEAUVOIR: Thank you very much.

22 CHAIRMAN BERMAN: The chair calls Will
23 Harrell. Mr. Harrell, are you here? Mr. Harold
24 indicated no testimony for the bill. The chair calls
25 Suzy Woodford. No testimony for the bill. The chair



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 calls Ray Martinez.

2 MR. MARTINEZ: Thank you, Mr. Chairman.
3 Ray Martinez with the Texas Conference of Urban
4 Counties. We are neutral on this bill. Mr. Chairman
5 and members, there is -- not a fiscal notification to
6 local governments has been discussed already. I would
7 simply amplify -- and I know that we're not supposed to
8 repeat previous testimony, but, obviously, the -- the
9 job of being a poll worker is increasingly complex, and
10 we need bilingual poll workers. We need poll workers
11 that are comfortable with technology. Any time there is
12 a new pool of potential poll workers, we're -- as a
13 county government, we're certainly excited about that
14 possibility.

15 CHAIRMAN BERMAN: Questions, members?
16 Thank you.

17 MR. MARTINEZ: Thank you, Mr. Chairman.

18 CHAIRMAN BERMAN: The chair calls Bruce
19 Galloway. Bruce, welcome.

20 MR. MARTINEZ: Mr. Chairman and members,
21 I'm opposed to the bill for a couple of reasons. Number
22 one, I think your down pressure on your employers is
23 going to be fierce. Well, the state employees are off.
24 We need to be off, and now you are going to cost
25 everybody a lot of money. I don't think it's fair. I



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 don't think it's fair for you to pressure them and
2 that's what's going to happen.

3 Now, in regard to the schools closing,
4 this is a lot of nonsense. I have been an election
5 judge since 1980. We've held it at University Park
6 Elementary School every time, and we have never had a
7 problem. We have never had an issue. The school makes
8 money because they have bake sales and they have about
9 1,800 people to buy all this stuff. They bring the kids
10 down by classes, and we let them observe the election
11 process. What a better learning tool can we have? The
12 bill just -- we don't need this bill.

13 CHAIRMAN BERMAN: Bruce, before you leave,
14 will you state who you represent?

15 MR. MARTINEZ: Myself.

16 CHAIRMAN BERMAN: Thank you. Members, any
17 questions? Hearing none, the chair calls Bill Borden.

18 MR. BORDEN: Mr. Chairman, I'm -- I'm
19 going to be brief.

20 CHAIRMAN BERMAN: State your name.

21 MR. BORDEN: I'm Bill Borden. I represent
22 myself.

23 CHAIRMAN BERMAN: Okay.

24 MR. BORDEN: I oppose the proposal, I
25 oppose the bill, and I don't have anymore to say. Thank



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 you.

2 CHAIRMAN BERMAN: Thank you. The chair
3 calls Nathanael Isaacson. Mr. Isaacson?

4 MR. ISAACSON: I have no testimony, but I
5 just want to be on the record.

6 CHAIRMAN BERMAN: The record is being for
7 the bill?

8 MR. ISAACSON: Right. (Inaudible.)

9 CHAIRMAN BERMAN: Okay. Thank you very
10 much. The chair calls Paula Littles.

11 MS. LITTLES: I'm going to -- I promise,
12 Mr. Chairman, that I will not repeat to what anyone else
13 has said. My name is Paula Littles, and I'm with the
14 Texas AFL-CIO, and we represent the very hard working
15 state employees in the State of Texas. They are one of
16 the unions that are affiliated with the Texas AFL-CIO,
17 and I indeed feel as if they're very hard working
18 people. We support this bill for a number of reasons.

19 One is, we generally believe that election
20 day is a holiday, even if it is just for the state
21 employees, will indeed increase voter participation in
22 the state. Unfortunately, we do have quite a lot of
23 avenues for people to vote early, and since that has
24 occurred, the very unfortunate thing about that is it
25 has really not increased our voter participation in the



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 state. We -- It is our opinion that we have to look at
2 every mechanism possible to increase people coming to
3 the polls and participating in the one thing that should
4 be important for everyone in this room as well as every
5 person in this country.

6 And just a little history. The reason
7 that election day is in November is actually because
8 when Congress looked at it, they realized that they
9 needed to pick a time when the harvest was in and that
10 people weren't working, so that they actually could go
11 and vote. And that is the reason election day is in
12 November, and I won't go into why it was picked that
13 day, but I basically felt compelled to speak instead of
14 just saying I was in favor of the bill. And are there
15 any questions? And thank you for your testimony.

16 CHAIRMAN BERMAN: Thank you so much for
17 your testimony. The chair calls Sonia Santana.

18 MS. SANTANA: I don't have any -- I won't
19 testify, Mr. Chair, but I would like to say that I'm
20 speaking for ACLU Texas. No testimony.

21 CHAIRMAN BERMAN: All right. Thank you.
22 The chair calls Mary Ann Collins. Mary Ann, are you
23 here?

24 UNIDENTIFIED SPEAKER: She had to leave.

25 CHAIRMAN BERMAN: All right. Mary Ann is



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 shown against the bill. No testimony. The chair calls
2 Ken Flippin. No testimony for the bill. The chair
3 calls Mr. Champion. Mr. Champion, are you here?
4 Mr. Champion will be shown for the bill. The chair
5 calls Skipper Wallace. Mr. Wallace, state your name and
6 who you are with, please.

7 MS. LITTLES: Skipper Wallace. I
8 represent the Texas Republican County Chairmans
9 Association. We oppose this bill, and I understand what
10 you have from the comptroller's office, and I think that
11 they need to go back and look at their figures. I was a
12 city manager for 14 years, and every time the state took
13 a holiday, the city took a holiday, I didn't get the
14 trash picked up. I didn't get the roads paved. I
15 didn't get anything else done, and it had to be done
16 sometimes, so we did it on overtime or we worked extra
17 days, and the counties do the same thing. When the
18 state declares another holiday, the county gets another
19 holiday. They don't get any work done. It may not be
20 in dollar cost, but it's in productivity which equates
21 to cost. Any questions?

22 CHAIRMAN BERMAN: Thank you. Any
23 questions, members? Thank you, Mr. Wallace. We have
24 Ann McGeehan here from the Texas Secretary of State's
25 Office. Anyone like to hear Ann, please?



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 MS. MCGEEHAN: Ann McGeehan with the
2 Secretary of State's office.

3 CHAIRMAN BERMAN: Mr. Burnam?

4 REPRESENTATIVE BURNAM: Thank you, Ann.
5 I'd like maybe the three and a half minute version of
6 the growing difficulty in recruiting people to work what
7 in essence is a minimum of 14 or 15-hour workday and
8 what this might gain us in the ability to conduct our
9 elections all across the state.

10 MS. MCGEEHAN: Well, because the state
11 doesn't recruit election workers, I can only speak to
12 what I've heard anecdotally --

13 REPRESENTATIVE BURNAM: Right. I
14 understand.

15 MS. MCGEEHAN: -- from the counties and
16 cities, and I think some communities have a harder time
17 finding folks to work the polls than others. It's
18 definitely a problem, but folks that work the polls tend
19 to be -- are older citizens, and it's been repeated to
20 me that counties have had a hard time getting people
21 interested.

22 REPRESENTATIVE BURNAM: Is that a worse
23 problem in the urban areas maybe?

24 MS. MCGEEHAN: I really don't know.

25 REPRESENTATIVE BURNAM: I know it's been a



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 growing problem in Tarrant County, and I really hadn't
2 thought about this until we heard other testimony, but
3 we are having a growing problem in recruiting enough
4 people to work it, and this would certainly be a savings
5 for us.

6 CHAIRMAN BERMAN: Ann, thank you very
7 much.

8 MS. MCGEEHAN: Thank you.

9 CHAIRMAN BERMAN: Is there anyone else who
10 wishes to testify on, for or against House Bill 266?
11 Hearing, none, Mr. Anchia to close.

12 REPRESENTATIVE ANCHIA: Thank you,
13 Mr. Chairman, and, once again, thank you for giving me
14 the opportunity to lay out these bills in committee. I
15 appreciate you working with me on -- in proving these
16 bills and just -- just want to speak to a question that
17 was asked earlier by the chair or a comment, I guess,
18 that was made where it was articulated that there might
19 be six extra days. The reality is that there would only
20 be two pursuant to this bill, a day on which the
21 primary's held and a day on which the general election
22 is held and that's stated at the bottom of the bill in
23 Section 662.033B9, which would be the new section which
24 reads, "Everyday on which an election, including a
25 primary election, is held throughout the state," so this



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 would be state-wide elections which typically happen in
2 November and the primary election. So I just wanted to
3 clarify that for you. It would not be, in fact, six
4 extra days, but, rather, only two days.

5 Once again, I reiterate that the fiscal
6 note from the LBB and from the comptroller's office,
7 whichever the only two sources that we have to rely on,
8 show no impact. The reality is that despite the
9 suggestions by witnesses to the contrary, is that this
10 only impacts the state, does not impact business, does
11 not impact local government, and in its requirement to
12 have a day off to the extent the local governments felt
13 pressure, they could elect to do one of two things.
14 Either declare the day off for their local either
15 employees, if it's a private corporation, or public
16 employees, if it's a municipal entity or not. And that
17 would be -- that would continue to be within their
18 purview.

19 This only affects state employees, and as
20 we suggest -- as we discussed earlier, the methodology
21 used by the comptroller's office in their fiscal note
22 estimate points out clearly that because state agencies
23 are required to maintain sufficient staff on duty to
24 conduct business during state holidays, state agencies
25 and institutions of higher education would continue to



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 function on these election days. And I close,
2 Mr. Chair. Thank you.

3 REPRESENTATIVE BURNAM: May I ask?

4 CHAIRMAN BERMAN: Yes, Mr. Burnam.

5 REPRESENTATIVE BURNAM: Mr. Anchia?

6 REPRESENTATIVE ANCHIA: I'm not taking any
7 further questions. No I'm kidding. I'm kidding.

8 REPRESENTATIVE BURNAM: I'm noticing that
9 the way it's stated, it's election day and primary
10 election, so it doesn't even include runoffs the way
11 it's worded.

12 REPRESENTATIVE ANCHIA: That's correct.

13 REPRESENTATIVE BURNAM: And so we're
14 really talking --

15 REPRESENTATIVE ANCHIA: It's only for
16 state-wide on a day in which elections are conducted
17 state-wide.

18 REPRESENTATIVE BURNAM: And we don't know
19 for sure. There may be runoffs in certain places, and I
20 understand. So what we're really talking about is
21 two days out of the two-year budget cycle for the state.

22 REPRESENTATIVE ANCHIA: Well, I don't know
23 if it's only two days in the two-year budget cycle
24 because there may be a November election, a
25 constitutional election in off years that would also be



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 covered by this.

2 REPRESENTATIVE BURNAM: So there could
3 be --

4 REPRESENTATIVE ANCHIA: A third. There
5 could be a third.

6 REPRESENTATIVE BURNAM: -- three in the
7 two year cycle.

8 REPRESENTATIVE ANCHIA: That's correct,
9 sir.

10 REPRESENTATIVE BURNAM: Thank you.

11 CHAIRMAN BERMAN: We're going to change
12 the procedure just a little bit. I'm going to call up
13 each of the authors of the bills on identification and
14 let them lay out their bills and then we'll hear
15 witnesses testifying on all three bills. So, at first,
16 I will call -- call up House Bill 218 and call Chairman
17 Betty brown to lay out House Bill 218, and I'll call
18 Chairman Phil King to lay out House Bill 626 and then
19 Representative Riddle to lay out House Bill 101. Betty,
20 it's good to have you.

21 REPRESENTATIVE BROWN: Thank you,
22 Mr. Chairman. Appreciate your giving me this
23 opportunity. There's been so much said about voter
24 registration, and so I'll try to make this very brief
25 and not repeat anything else. There are presently --



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 there are -- There are no statutory standards to verify
2 the identity of individuals at the polling place when
3 they present a voter registration certificate. HB218
4 modifies provisions requiring a voter to present proof
5 of identification when offering to vote. The bill
6 requires that in offering to vote, a voter must present
7 either one form of photo identification or two different
8 forms of non-photo identification. If the person fails
9 to meet these standards, they may still vote upon
10 completion of a provisional ballot affidavit.

11 HB218 adds proof of identification to the
12 existing qualifications required for our provisional
13 ballot to being accepted by the early voting ballot
14 board. Voting is the most important right in America.
15 And as I have said before, I consider this a very
16 personal thing because I think when someone votes who's
17 not qualified and shouldn't be voting, it diminishes the
18 rights that the rest of us have and this great privilege
19 that we have to vote.

20 The government requires voters to register
21 before receiving a ballot, therefore, verifying the
22 information they provide on their registration
23 application is not a measure designed to prevent any
24 citizen from voting. It is instead a measure designed
25 to keep illegal aliens, noncitizens and people otherwise



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 not qualified from voting and diluting the legitimate
2 votes cast by citizens. So that pretty well covers what
3 my bill addresses. I could go into a lot of instances
4 that I've seen happen at the polls because I've worked a
5 lot of elections myself, but I will save that for
6 another day.

7 CHAIRMAN BERMAN: I will allow members to
8 question. Do you have a question?

9 UNIDENTIFIED SPEAKER: Yes.

10 CHAIRMAN BERMAN: Lon?

11 REPRESENTATIVE BURNAM: Thank you,
12 Chairman Brown, in your closing comments just then, you
13 mentioned a concern about illegal aliens and noncitizens
14 voting. They can't register to vote at this, time can
15 they?

16 REPRESENTATIVE BROWN: All it takes to
17 register to vote if you are a noncitizen is to check a
18 box. It presently is not -- there's no one verifying
19 that that person is a citizen. There's a little box
20 that says check here if you're a citizen, and so that's
21 all it takes. We know that this is happening, that
22 people are registering to vote because they're showing
23 up in the jury pools. As people are called in, you
24 know, those people who are called in to serve on a jury
25 are taken from the registered voter list, right?



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 REPRESENTATIVE BURNAM: No. I thought
2 they were taken from the driver's license list. Back
3 when you first learned that fact, that was true.

4 REPRESENTATIVE BROWN: Okay.

5 REPRESENTATIVE BURNAM: But that's one of
6 those facts that has changed over time.

7 REPRESENTATIVE BROWN: Okay. Let's say
8 it's from the driver's license list. There are still
9 people showing up to serve on juries because they've
10 been summoned, and when they get there admit that
11 they're not citizens because as, again, when you go to
12 get a driver's license, all you have to do is say yes,
13 check a box or whatever, and say you're a citizen or if
14 it's even asked.

15 REPRESENTATIVE BURNAM: I don't believe
16 it's asked --

17 REPRESENTATIVE BROWN: Okay.

18 REPRESENTATIVE BURNAM: -- in acquiring a
19 driver's license. I don't believe you have to indicate
20 your citizenship status.

21 REPRESENTATIVE BROWN: Okay. So you --

22 REPRESENTATIVE BURNAM: So -- So in the
23 jury pool, you are in increasing numbers --

24 REPRESENTATIVE BROWN: Assumed.

25 REPRESENTATIVE BURNAM: -- going to be



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 drawn from a population base that -- with noncitizens
2 because --

3 REPRESENTATIVE BROWN: Correct.

4 REPRESENTATIVE BURNAM: -- because we made
5 a conscious decision to change where we draw our jury
6 pool from. We used to do it from the --

7 REPRESENTATIVE BROWN: Okay.

8 REPRESENTATIVE BURNAM: -- registered
9 voter list.

10 REPRESENTATIVE BROWN: And my story --

11 REPRESENTATIVE BURNAM: -- and it was
12 determined that --

13 REPRESENTATIVE BROWN: -- came from a
14 judge -- a court at law judge who shared with me that
15 they had more and more people showing up because they've
16 been summoned to serve on juries --

17 REPRESENTATIVE BURNAM: Right. So but --

18 REPRESENTATIVE BROWN: -- and assuming
19 they were -- they were citizens and they weren't.

20 REPRESENTATIVE BURNAM: You know, we all
21 learn things at different times, and it's amazing to me
22 how many people in our community are in responsible
23 positions and they don't know that we've changed that.
24 A number of years ago, I think it's been over
25 10 years -- There's a reason why we draw the jury from



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 the driver's license pool because, frankly, you were
2 having people not registering to vote because they
3 didn't want to risk this responsibility of citizenship.
4 We wanted to be able to capture a larger audience of
5 eligible people serve. Unfortunately, which is -- we
6 had a growing population that has both a driver's
7 license and are not citizens, so it's -- really, isn't
8 it up to the responsibility of the court administrators
9 to distinguish between those who are eligible to serve
10 on a jury and those who simply have a driver's license?

11 REPRESENTATIVE BROWN: What we need is
12 people to have to prove citizenship in order to register
13 to vote, but that's not going to happen immediately.

14 REPRESENTATIVE BURNAM: Okay.

15 REPRESENTATIVE BROWN: I hope that -- this
16 session, but immediately, we could have in our very next
17 election requiring our citizen -- our registered voters
18 when they show up to vote to prove they are who they say
19 they are, and that's not difficult to do.

20 REPRESENTATIVE BURNAM: But the example of
21 the problem that you've offered up is not accurate, am I
22 correct? The problem that you offered up is related to
23 jury pools, not related to people that are going to
24 vote.

25 REPRESENTATIVE BROWN: You may be true --



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 That may be true.

2 REPRESENTATIVE BURNAM: I believe it is,
3 and what can I say?

4 CHAIRMAN BERMAN: Mr. Burnam, if I may
5 intervene, driver's licenses are controlled by DPS and
6 our voter registration is controlled by counties and the
7 district clerk who actually calls juries, and I still
8 believe that they're called by voter registration card,
9 and I think Mr. King has a comment on it.

10 REPRESENTATIVE KING: Yeah, and it is kind
11 of confusing and Lon is right. About six years ago,
12 they did decide -- six, seven years ago, they did decide
13 that you could use driver's licenses as a jury pool, but
14 it was never deleted that you could also use the
15 registered voter, so most counties draw from both. They
16 will have a registered voters' pool and it's merged with
17 a driver's license pool, and they will draw from both.

18 There was just a Supreme Court special
19 task force that looked -- that looked at this for the
20 state bar. In fact, the ABA has had a recommendation
21 out that you merge as many lists as possible from which
22 to draw so you get a larger jury base, and the -- the
23 Supreme Court just had a task force that has come out
24 and recommended, if I understand it right, full merger
25 votes for every county so that you're drawn from



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 driver's licenses and from voter registration, but,
2 currently, it is still law that you can draw from both
3 and many, if not most, counties do that.

4 REPRESENTATIVE BROWN: Well, that explains
5 why my county court at law judge -- I know it's been
6 less than two years ago that she shared that story
7 because that increasingly they were seeing these people
8 show up that say I don't know why I was summoned.

9 REPRESENTATIVE KING: And, in fact, in
10 Bexar County in between 2003 and '05, they had 41
11 different instances where people came from jury service
12 and it was identified that they were not a US citizen,
13 but they were a registered voter and that's what had
14 drawn them there. There were 300 -- actually, were 300
15 instances of people being registered that were not yet
16 citizens. 41 of those were discovered at jury duty and
17 from the registered voting, but the voters
18 registration --

19 REPRESENTATIVE BROWN: Well, this is a
20 privilege that should be protected.

21 CHAIRMAN BERMAN: Thank you Chairman King.
22 Any other questions, Chairman Brown? Yes. Mr. Anchia?

23 REPRESENTATIVE ANCHIA: Just a technical
24 question. You said voting is a privilege. Is it not a
25 right?



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 REPRESENTATIVE BROWN: It is a right.

2 REPRESENTATIVE ANCHIA: Okay.

3 REPRESENTATIVE BROWN: But I also consider
4 it a privilege, absolutely.

5 REPRESENTATIVE ANCHIA: Okay. Thank you.
6 Be.

7 CHAIRMAN BERMAN: Okay. Thank you, Betty.

8 REPRESENTATIVE BROWN: It's a right for a
9 citizen, and it should be for a citizen only.

10 CHAIRMAN BERMAN: Thanks, Betty.

11 REPRESENTATIVE BROWN: Thank you,
12 Mr. Chairman. Thank you.

13 CHAIRMAN BERMAN: The chair lays out House
14 Bill 626 and calls on Chairman King to present the bill.

15 REPRESENTATIVE KING: Thank you. Thank
16 you, Mr. Chairman and members. My bill's probably a lot
17 like Betty's. In September of 2005, the bipartisan
18 Carter/Baker commission on election reform issued a big
19 long report -- I've got a copy of it here -- entitled
20 Building Confidence in Elections, and it made a number
21 of recommendations, and HB626 drives a fork right to
22 those recommendations for Texas. One is to require a
23 confirmation of US citizenship at the time you register
24 to vote and the second is to require a photo ID at the
25 time that you are voting.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiredepositionsolutions.com

1 I mean, clearly, the fraud of noncitizens
2 participating in our election system flies in the face
3 of both the US constitution and the Texas constitution
4 which reserves that right to vote only to citizens, and,
5 moreover, on election codes, state election code
6 requires you to be a US citizen to vote.

7 In a couple of -- We looked to see for a
8 couple of examples where this was occurring, and I know
9 on June 22nd, 2006 in Harris County, the tax
10 assessor/collector and voter registrar testified before
11 the US House Administration Committee that in 2005 he
12 identified at least 35 foreign nationals who either
13 applied for or -- or received voter registration cards.
14 More concern between 2003 and '05 -- I misstated this a
15 minute ago, and I apologize Mr. Burnam.

16 In Bexar County, 303 people were removed
17 from the voter rolls in Bexar County because they were
18 not US citizens, and before being canceled they found
19 that 41 of those had actually cast ballots in bond
20 elections, runoff primaries and general elections that
21 were not US citizens. Sometimes say, well, but it's
22 such a small number. Does that really make a
23 difference? And, you know, I just draw your memory back
24 to the Talmadge Heflin/Herbert Vo election, which
25 Herbert Vo -- sorry -- a year ago election which was



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquireolutions.com

1 held here, and we had an election contest that rose all
2 the way to the level of the Texas House. That election
3 was decided by 33 votes initially, and if I remember
4 right, after the house review and dropping down to, I
5 think, 30 votes difference, so every vote counts.

6 Also, Todd Baxter and Kelly White in a --
7 in a primary -- neither one of them are with us, but in
8 a primary there was out of 34,000 votes cast Republican
9 and approximately 34,000 votes Democrats, almost 70,000
10 votes, the election was decided by a mere 147 vote
11 difference.

12 REPRESENTATIVE BURNAM: You meant in a
13 general election?

14 REPRESENTATIVE KING: In a general. I'm
15 sorry. Did I say primary? I'm sorry. I wish primaries
16 would elect it, but, anyhow, 147 votes out of almost
17 70,000, and so every vote does count. We saw on our own
18 last election cycle how most of the races -- how some of
19 the races were.

20 HB626 proposes to require citizenship
21 verification starting on all new registrations that take
22 place after September '07. Verification will be done by
23 submission of either a certified copy of a birth
24 certificate or US passport being submitted with
25 registration application. Currently, the DPS doesn't



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 check citizenship when issuing a driver's license as
2 Mr. Burnam pointed out, but effective January '08, when
3 the Federal Real ID Act applies to Texas, the DPS will
4 begin verification of citizenship when you get your
5 driver's license and that will in essence require
6 citizenship to register to vote under our motor voter
7 statute already in place, will also provide anyone
8 that's taking registered voters with an automatic way to
9 verify citizenship when they are registering someone,
10 simply check their -- their Texas driver's license which
11 most -- most Texans of voting age have.

12 Additionally, as recommended by the
13 Carter/Baker commission, HB626 would require voters to
14 show a picture ID when they appear to vote and
15 implements it in such a manner that it will avoid the
16 legal challenges that other states have faced in
17 implementing the recommendation. The requirement to
18 show a picture ID under 626 for -- will not require a
19 specific type of ID. I think that IDs are just a part
20 of our society today at all levels for simple
21 transactions. It's prevalent throughout any commerce in
22 our society. For example, you have to show an ID to
23 rent a DVD, to check out a library book or an airplane,
24 buy tobacco. Even to join a retail Sam's Club you have
25 to have some kind of ID that you show, and I think it's



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiredepositionsolutions.com

1 -- and to purchase certain cold medications, now you
2 have got to present a valid ID, and I think it's -- if
3 -- if voting as -- it rises at least to the level of
4 buying a decongestant at the drugstore in terms of
5 determining who someone is.

6 CHAIRMAN BERMAN: I think that was my
7 fault, Chairman King.

8 REPRESENTATIVE KING: I do --

9 CHAIRMAN BERMAN: House Bill 163.

10 REPRESENTATIVE KING: I -- My Drixoral is
11 still a issue, but I forgive you. Our election system
12 cannot inspire public confidence if no safeguards exist
13 to deter or protect fraud or to confirm the identity of
14 voters. Bottom line, this is a recommendation of a
15 bipartisan commission. It incorporate in a manner that
16 is legally defensible. It simply requires proof of
17 citizenship when you register to vote and then -- and
18 simply requires a Voter ID of some type when you come to
19 vote.

20 CHAIRMAN BERMAN: Members, questions?
21 Mr. Bohac?

22 REPRESENTATIVE BOHAC: Phil, I have a
23 question for you. Are you aware that Alabama, Arizona,
24 Colorado, Delaware, Florida, Georgia, Kentucky,
25 Louisiana, Hawaii, Montana, North Dakota and South



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 Dakota all require proof of identification to vote and
2 that the voter registration card is not considered an
3 acceptable form of ID?

4 REPRESENTATIVE KING: Do tell.

5 REPRESENTATIVE BOHAC: Well, they are. My
6 point is that we would not be -- this is not new
7 ground-breaking land that we're treading on, so I think
8 we'll be joining the company of other states, and, by
9 the way, of the -- of the states I just mentioned, six
10 of them are covered by Section 5 of the voting rights
11 act. So, anyway, I think -- I think Voter ID is a good
12 bill.

13 REPRESENTATIVE KING: I was very concerned
14 about this being legally defensible, and -- and I relied
15 a lot on my chief clerk and general counsel in the
16 regulated industries committee who is formerly the
17 general counsel to the Secretary of State and knows
18 the -- knows the election law backward and forward, and
19 we spent a lot of time under his consultation with --
20 and he actually drafted this bill initially, and, in
21 fact, he probably would be a good expert witness if
22 anybody wanted to call him up here. But -- But I'm
23 convinced it's legally defensible. We've looked at the
24 other places where there have been challenges around the
25 country, and we believe we have -- we have drafted



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiredepositionsolutions.com

1 around those.

2 CHAIRMAN BERMAN: Members, any other
3 questions? Mr. Anchia?

4 REPRESENTATIVE ANCHIA: Mr. -- Mr. --
5 Chairman King. Excuse me. Thank you for bringing this
6 bill to the committee. I noticed one thing that was
7 interesting in your testimony. You said this would only
8 apply to new voter registrations.

9 REPRESENTATIVE KING: Right.

10 REPRESENTATIVE ANCHIA: Can you -- Can you
11 talk about that and just point out to me in the bill
12 where that is?

13 REPRESENTATIVE KING: I'll have to read
14 where it is, but it -- oh, it would be the effective
15 date portrayed here. Okay. I think -- I think the
16 logic works like this. You do not have to present proof
17 of citizenship until you register beginning 2007, so
18 there is no requirements date. Any time anybody
19 registers after September 1st, 2000 -- Sorry it took me
20 a while to get this. Any time anyone registers after
21 September 1st, 2007, when they go to register, they --
22 they are going to have to present a -- a valid proof of
23 citizenship.

24 REPRESENTATIVE ANCHIA: Okay. I -- I
25 thought -- I thought the -- the new voters related to



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 people being grandfathered in who have, for example,
2 previously --

3 REPRESENTATIVE KING: For example, you'll
4 never have to show unless you've got a reregistered
5 voter -- If you have to register to vote again, you'll
6 have to still prove citizenship.

7 REPRESENTATIVE ANCHIA: But I thought this
8 related to the Voter ID requirement that people who have
9 been previously registered, by the time certain would
10 not have to present Voter ID at a -- at a polling
11 location. That was my understanding of -- of --

12 REPRESENTATIVE KING: If -- Two parts. If
13 you register to vote after September 1st, 2007, you got
14 to show proof of citizenship. Hopefully that will be by
15 simply showing your driver's license under the Real ID
16 Act.

17 REPRESENTATIVE ANCHIA: Right.

18 REPRESENTATIVE KING: When you go to vote,
19 you are going to have to present your voter registration
20 card as we all do, and along with it some form of photo
21 identification.

22 REPRESENTATIVE ANCHIA: Do you have to
23 present both or can you just present a -- a --

24 REPRESENTATIVE KING: Well --

25 REPRESENTATIVE ANCHIA: -- a picture ID?



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 REPRESENTATIVE KING: You would have to
2 present a picture ID. Now, we all know that if you
3 don't have your Voter ID there, they'll let you show
4 your driver's license today, just some form of photo ID
5 to show who you are, and I'm assuming that was to
6 continue.

7 UNIDENTIFIED SPEAKER: (Inaudible.)

8 REPRESENTATIVE KING: But if -- But if you
9 appear and you have your photo ID, as you always have,
10 you'll be able to vote.

11 REPRESENTATIVE ANCHIA: One of the --

12 REPRESENTATIVE KING: What you are
13 supposed to do is present your voter card registration,
14 and then if you don't have your registration today,
15 they'll check your photo ID.

16 REPRESENTATIVE ANCHIA: Would you be --
17 Would you be amenable to an amendment to the bill that
18 would grandfather people in from having to show a photo
19 identification, for example, people who are used to
20 voting just with their voter registration card for 30,
21 40, 50 years?

22 REPRESENTATIVE KING: No.

23 REPRESENTATIVE ANCHIA: Okay.

24 REPRESENTATIVE KING: I just think that --
25 and I -- And I appreciate the -- where you're coming



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 from, but I -- a photo ID in 2007, some form of photo
2 ID, is just required for everything. And I think it's a
3 very, very, very small thing to ask if someone wants to
4 exercise the amazing right we have to votes. I just
5 think it's a very small sacrifice to have to get one, if
6 you don't -- if you don't have one, which is rare in and
7 of itself.

8 REPRESENTATIVE ANCHIA: We'll probably
9 hear testimony today that upwards of about 2 million
10 Texans are in a position that they don't have it, but I
11 do appreciate --

12 REPRESENTATIVE KING: Is a fact that is
13 greatly in dispute.

14 REPRESENTATIVE ANCHIA: Okay. Okay. And
15 one final question. One of the things with respect to
16 proving citizenship that is -- it's just difficult. And
17 I like you in trying to balance sort of expansion of the
18 franchise versus integrity of the system. I think
19 that's your goal in doing that in this bill, and in --
20 in requiring people to prove citizenship when they
21 register to vote, I worry that -- that the laundry list
22 of things that you have here, the three things
23 specifically, would make it difficult for people to
24 register. I don't -- I tend to think that people
25 usually don't carry around their passport, their --



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquireolutions.com

1 their birth certificate or citizenship papers. I would
2 venture to say that that's probably the exception rather
3 than the rule. Do you worry at all about curtailing the
4 franchise?

5 REPRESENTATIVE KING: No. In fact, I
6 had -- you know, I just got went through losing my
7 Social Security card, and I had to go get a birth
8 certificate to -- to even get a Social Security card.
9 And if someone can get a Social Security card and it's
10 required to have a birth certificate, it's not that much
11 more difficult to have one available when you register
12 to vote.

13 REPRESENTATIVE ANCHIA: But you think
14 people carry them around like when they go and get --

15 REPRESENTATIVE KING: No, but, you know --

16 REPRESENTATIVE ANCHIA: -- and -- and get
17 registered to vote at voter registration drives and
18 stuff like that?

19 REPRESENTATIVE KING: No. But, you know,
20 I didn't carry mine around when I had to get a Social
21 Security card, but I needed to go get a Social Security
22 card, so I went and got a birth certificate, which is
23 really easy to get from your county clerk's office now
24 because they just -- you just give them your name and
25 they print it out. It's not a search and find thing,



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 and, you know, just like I had to go get a birth
2 certificate to -- to get that Social Security card, and
3 I had to get one to get my passport a while back. I've
4 got to go get a -- get a birth certificate to register
5 to vote. It's a minor thing.

6 REPRESENTATIVE ANCHIA: Okay.

7 CHAIRMAN BERMAN: Members, any other
8 questions? Chairman King, thank you.

9 REPRESENTATIVE KING: Thank you, and for
10 better or worse, my Republican women are in town
11 tonight, and I was supposed to be at dinner with them a
12 little while ago, and if you don't mind, I will go ahead
13 and leave and then would you mind closing for me?

14 CHAIRMAN BERMAN: I'll be very happy to do
15 that.

16 REPRESENTATIVE KING: Thank you, Chairman.

17 CHAIRMAN BERMAN: Thank you. Sorry we've
18 kept you this long. The chair calls -- calls up House
19 Bill 101 by Representative Riddle, who's had a very busy
20 day today.

21 REPRESENTATIVE RIDDLE: Thank you,
22 Mr. Chairman and members of the committee, and I think
23 that we've all had a very busy day today. House Bill
24 101, we're talking about Voter ID, and we've got three
25 bills before us, all of which are quite similar.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 I would like to start out by saying that
2 I've got a ton of anecdotal stories I'm not going to
3 tell my husband who is chairman of the Ballot Security
4 Committee or the Harris County Republican party for a
5 while, and we do need ballot security. In 1989, the US
6 Supreme Court wrote that, "A state indisputably has
7 compelling interest in preserving the integrity of its
8 election process." This is the basic purpose behind
9 House Bill 101. The attempt to protect every citizen's
10 right to vote. The operative word here is citizen. The
11 other operative here is right. I would also add
12 privilege.

13 Of course, throughout the process it is
14 important to make sure that no one is disenfranchised by
15 the voting process. It may be slightly less convenient,
16 but the power of the vote is worth protecting and it is
17 certainly worth taking 10 minutes to find the proper ID
18 to go before you vote.

19 I would like to add as a daughter of a
20 Marine that there are those who have fought and died and
21 continue to fight and die for our freedom to vote. It
22 would be disrespectful to their courage and to their
23 memory if we allow our ballot box to be compromised, and
24 I don't apologize for the passion that I feel regarding
25 that.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiredepositionsolutions.com

1 This bill does two things. First, it
2 requires that you must prove citizenship when you
3 register to vote. Ways to prove citizenship, one,
4 provide copy of a birth certificate. Again, not hard to
5 get. US citizenship papers and unexpired US passport
6 issued to the applicant. Second, it says that in order
7 to vote, you must submit one form of photo ID or two
8 forms of non-photo ID. Let me give you a few examples
9 of photo ID. Driver's license, can even be from an out
10 of state if it's valid and unexpired, a military ID,
11 employee ID card that has your picture on it, US
12 certificate that contains the person's photograph,
13 student ID with a picture on it, concealed handgun
14 license and others.

15 The bill also mandates that the DPS issue
16 a free photo ID for those who sign an affidavit saying
17 that they are indigent. If they're registered to vote,
18 are they eligible to be registered to vote. If you
19 don't have your ID, you can still submit a provisional
20 ballot and that ballot will be counted and confirmed if
21 you provide proper ID to register within a 5-day period.

22 Other states have similar laws. 19 states
23 currently have laws requiring either a -- a photo ID or
24 a non-photo ID to vote. Arizona is one of them. Two
25 states, Florida and Indiana, have states mandating only



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 a photo ID. Georgia and Missouri have both had their ID
2 laws struck down. However, Georgia's was because they
3 charged for their ID and that was an obvious oversight
4 that we here in Texas have corrected. It was considered
5 tantamount to a poll tax. But that is not going to be a
6 situation in any of the these -- three bills which are
7 going before you.

8 Arizona's law was enjoined by the
9 Ninth Circuit Court of Appeals that they issued no
10 finding or reasoning, and as a result, the US Supreme
11 Court -- they headed that ruling. US Supreme Court did
12 not make any final decisions on the issue, but they did
13 seem to indicate that they felt like Arizona's law
14 provided plenty of outs for those who did not have a
15 photo ID and our bill does the same. Our bill is
16 actually patterned after Proposition 200 in Arizona.

17 It also is basically patterned after the
18 bill that our good friend State Representative -- former
19 State Representative Mary Denny presented last session.
20 My bill replicates her bill to a large extent with the
21 various amendments that she accepted to that bill. I
22 feel like that her bill was quite a good one, and I
23 think that it is incumbent on us as elected officials to
24 preserve the integrity of our ballot box, and it would
25 be irresponsible to allow that ballot box to -- to be



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 compromised in any way. That has everything to do with
2 our freedoms.

3 CHAIRMAN BERMAN: Members, any questions?
4 Mr. Bohac?

5 REPRESENTATIVE BOHAC: Debbie, you know,
6 you were saying it takes about 10 minutes to find the
7 driver's license or whatever. I think the harder part
8 of voting is finding that cotton-picking voter
9 registration card. I think keeping your driver's
10 license handy is the easy part. I don't know about you,
11 but I have to run around the house or rifle through my
12 car looking for that voter registration card. I think
13 we're getting -- we've got this out of whack. I
14 wouldn't mind not even having to present a voter
15 registration card and making the driver's license the
16 voter registration card. I mean, then you wouldn't have
17 to find two forms of things because, really, I don't
18 know of anyone including my parents, especially who know
19 where they keep that voter registration card, but
20 99.9 percent of us know exactly where we keep our
21 driver's license or TDL license.

22 REPRESENTATIVE RIDDLE: I think there's a
23 lot to be said for that. However, there -- with the
24 Real ID -- Federal ID Act that has come in regarding our
25 driver's license, I think that this is going to have a



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 lot to say in showing proof of citizenship.

2 CHAIRMAN BERMAN: Members, any other
3 questions? Mr. Anchia?

4 REPRESENTATIVE ANCHIA: Thank you, Madam
5 Chair. I had a -- a quick question.

6 REPRESENTATIVE RIDDLE: Thank you for the
7 promotion, but I'm not a chairman.

8 REPRESENTATIVE ANCHIA: Oh, well --

9 REPRESENTATIVE RIDDLE: But I am on
10 appropriations.

11 REPRESENTATIVE ANCHIA: I do -- I do it
12 and I do it because -- because everybody is kind of in a
13 current chair or past chair or something like that, so I
14 err on the side of safety.

15 REPRESENTATIVE RIDDLE: Thank you very
16 much.

17 REPRESENTATIVE ANCHIA: I think I'm the
18 only guy who never had been one or the other, but -- but
19 I had a quick question about the bill. What are
20 citizenship papers? What would qualify?

21 REPRESENTATIVE RIDDLE: Well, if you have
22 acquired citizenship, and I think that there's -- I
23 don't know about me or, Mr. Chairman, if there --

24 CHAIRMAN BERMAN: Birth certificates and
25 naturalizations.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

81

1 REPRESENTATIVE RIDDLE: Yeah.

2 Immigration, naturalization, I think does give you some
3 type of papers. I've not gone through that, so I
4 don't --

5 REPRESENTATIVE ANCHIA: Do you know what
6 it's called? I mean, because here you have -- you have
7 a birth certificate which qualifies clearly, and you
8 have a passport. I just don't know if --

9 REPRESENTATIVE RIDDLE: Basically --

10 REPRESENTATIVE ANCHIA: -- if citizenship
11 papers had a particular name or anything like that.

12 REPRESENTATIVE RIDDLE: Basically --
13 Basically anything that would give you a passport.

14 REPRESENTATIVE ANCHIA: Okay. Okay. What
15 percentage of people have passports in Texas; do you
16 know?

17 REPRESENTATIVE RIDDLE: I don't know. I
18 would suspect quite a few. Quite a few here in Texas, I
19 would guess.

20 REPRESENTATIVE ANCHIA: The numbers I've
21 seen nationwide are anywhere between 7 to 21 percent of
22 the entire population, and I don't know which one of
23 those two numbers is good. Do you worry at all about
24 restricting the ability of people to -- to register to
25 vote?



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007420

TX_00205091

1 REPRESENTATIVE RIDDLE: Absolutely not.

2 REPRESENTATIVE ANCHIA: Okay.

3 REPRESENTATIVE RIDDLE: And let me tell
4 you why if you're interested.

5 REPRESENTATIVE ANCHIA: I am. I am.

6 REPRESENTATIVE RIDDLE: I believe that the
7 right to vote is also a privilege. People have gone to
8 war. They have fought, they have died in order to
9 preserve our freedom and to preserve our right to vote.
10 For us to complain and say that it's a little too
11 inconvenient to do this or it's a little too
12 inconvenient to do that, well, exactly how inconvenient
13 has it been for our men and women who have fought, bled,
14 died and for those that survived come home with massive
15 injuries? Are we going to tell them it's just too
16 inconvenient? I don't think so. And our freedom is too
17 valuable. It is too significant. It is too precious
18 for us to be big old babies and whine and complain about
19 a little bit of inconvenience.

20 As for me, let me tell you, I think that
21 there's no amount of inconvenience that is too much
22 trouble for us to maintain the integrity of our
23 ballot -- of our ballot box because when this ballot box
24 is compromised, then your freedom is compromised and the
25 freedom of my grandchildren, and I'm not going to



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 sacrifice that.

2 REPRESENTATIVE ANCHIA: I appreciate that.
3 That was a terrific -- That was a terrific analysis, and
4 I totally agree with you that the sacrifice here of our
5 young men and women in -- in active duty and those who
6 have lost lives is important. I also believe that the
7 right to vote is an important right, and I hope -- I
8 hope you didn't think I was whining about inconvenience
9 because that wasn't the -- the purpose of my question.

10 My question was, do you think it will be
11 harder for people to vote when you make it harder for
12 people to prove citizenship? Do you think --

13 REPRESENTATIVE RIDDLE: I think it's going
14 to be harder for noncitizens to vote.

15 REPRESENTATIVE ANCHIA: But do you
16 think -- you think US citizens who need to provide these
17 documents might have a tougher time voting? That really
18 is the essence of my question, and, again, I do respect
19 you very much and I respect our men and women who have
20 served, including the chairman, but I'm just trying to
21 get at a fundamental tension that we have between
22 exercise of the franchise, which as you correctly
23 suggest is a right that we have and that men and women
24 have died for, and that right is very, very precious and
25 what kind of restrictions we place on the exercise of



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquireolutions.com

1 that franchise for US citizens that want to -- that want
2 to exercise it, and that really --

3 REPRESENTATIVE RIDDLE: Let me share.

4 REPRESENTATIVE ANCHIA: -- that really is
5 the -- the crux of my question.

6 REPRESENTATIVE RIDDLE: Let me share with
7 you -- And your question is a fair question, and I
8 respect you as well, and I certainly didn't mean to
9 imply that you were whining. The -- And especially
10 after you called me madam chairman, I sure don't want to
11 be doing that.

12 REPRESENTATIVE ANCHIA: Madam double
13 chairman, triple chairman.

14 REPRESENTATIVE RIDDLE: Before the rubber
15 hits the road, this is about real people, real freedom,
16 real life, real America. The people in my district --
17 And that's the ones I know the best who are part of our
18 greatest generation, when this discussion -- when they
19 have become a part of this discussion -- and those are
20 our World War II veterans, and my dad passed away, but
21 my dad was one of them. My dad fought on Iwo Jima. If
22 my daddy were here today, he'd probably make mince meat
23 out of anybody that disagreed with him. But the -- But
24 they want to make sure that that ballot is secure. They
25 are also the ones that would likely as not be the most



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 inconvenienced.

2 So the people who are our greatest
3 generation, those that would be -- would find it the
4 most difficult and be most inconvenienced are the very
5 ones that are adamant about securing our ballot, about
6 having photo ID, about not compromising the integrity of
7 the ballot box and for dead sure making sure that only
8 American citizens are the ones that are casting the
9 vote, and they're the people that I think that we should
10 hold in highest distinct and honor their wisdom, honor
11 their sacrifice and honor the legacy that they have
12 given to us.

13 REPRESENTATIVE ANCHIA: And I appreciate
14 that, madam triple chair. That -- I have constituents
15 who also fought in World War II. My late father-in-law
16 was a tail gunner on a B26. He flew an inordinate
17 number of missions over Italy and Germany. I --

18 REPRESENTATIVE RIDDLE: And tell him thank
19 you from us.

20 REPRESENTATIVE ANCHIA: Well, he's passed
21 away, but, yes, I certainly do hold him in high regard,
22 and I hold the World War II veterans and the Vietnam
23 veterans and the Korean veterans that I -- that I
24 represent in District 103 in very high regard. Many of
25 them have been voting for 40 and 50 years with -- with



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 their voter registration card, and they've expressed to
2 me concern about this type of -- this type of
3 requirement because many of them don't drive. Many of
4 them don't have utility bills in their name because they
5 live with persons who, for example, may be their
6 siblings. They live in homes. It makes it a little bit
7 more difficult for them, so that's why I'm asking you
8 these questions, and I believe you have sincere --
9 sincere intentions in your bill, and I have sincere
10 intent in trying to articulate some of the concerns of
11 the World War II veterans, the Korean veterans, Vietnam
12 veterans, Desert Storm veterans that I represent. So I
13 appreciate -- I appreciate this dialogue.

14 REPRESENTATIVE RIDDLE: Thank you, and I
15 appreciate the dialogue as well, and I appreciate your
16 concerns.

17 REPRESENTATIVE ANCHIA: Thank you.

18 REPRESENTATIVE RIDDLE: Thank you,
19 Mr. Chair. If there's not any other questions --

20 CHAIRMAN BERMAN: I don't see any.

21 REPRESENTATIVE RIDDLE: -- I will close.

22 CHAIRMAN BERMAN: We'll start calling on
23 our witnesses. Thank you, Chairman Riddle.

24 REPRESENTATIVE RIDDLE: Oh, should I
25 reserve the right to close after the witnesses?



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

87

1 CHAIRMAN BERMAN: I'm going to let you
2 close.

3 REPRESENTATIVE RIDDLE: Thank you.

4 CHAIRMAN BERMAN: You don't have to
5 reserve it with me.

6 REPRESENTATIVE RIDDLE: Thank you.

7 CHAIRMAN BERMAN: I'm going to let you
8 close. All right. The chair calls Russ Duerstine. Is
9 it Duerstine? Duerstine. He is for the bill, all three
10 bills and he will not testify. The chair calls Jodi
11 Park. Jodi, are you here? Jodi is not going to
12 testify. She registers against all three bills. The
13 chairs calls Tina Benkiser. Tina, will you state your
14 name and tell us who you are representing?

15 MS. BENKISER: Yes, sir, I will. My name
16 is Tina Benkiser. I'm here on behalf of myself as an
17 individual and, also, in my capacity as chairman of the
18 Republican party of Texas, which is a volunteer
19 position. Thank you, Mr. Chairman and thank you
20 members. I know that it's been a long day, and I'll try
21 to keep my remarks short. I do appreciate the
22 opportunity to testify.

23 I'm here to talk about election integrity,
24 specifically, safeguarding the people's right to govern
25 themselves. I think America's strength is our people



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007426

TX_00205097

1 and their right to choose leaders of their government.
2 I think requiring a photo ID to vote will go a long way
3 in helping ensure fair elections. I know you are
4 considering several bills here that would require a
5 voter to present a photo ID in order to vote, to make
6 sure that the person casting the vote in the voting
7 booth is the same qualified registered voter that's
8 actually listed in the poll book.

9 In this age, there are 40 million
10 Americans who move every year. Here alone in Texas, we
11 have 12.9 million registered voters. Election judges
12 just simply cannot know everyone that comes to the
13 polls, especially in urban areas. So it's just common
14 sense that presenting a photo ID to vote that matches
15 the poll book will better protect voter's rights.

16 What makes no sense is that I'd be
17 required to have a photo ID to rent Animal House at my
18 local video store and, yet, I can present the envelope
19 from -- for my water bill to vote. Isn't voting on who
20 runs our government at least as important as my ability
21 or any citizen's ability to rent a movie?

22 Photo ID legislation really should be a
23 bipartisan slam dunk. One national poll showed that
24 82 percent of all voters, including three of every four
25 Democrats, support using a government issued photo ID at



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 the polls. In the last primary election, Texas
2 Republicans overwhelmingly passed a ballot initiative of
3 calling for photo ID to vote by 88 percent. Moreover,
4 in a bipartisan commission on Federal election reform
5 co-chaired by former President Jimmy Carter and former
6 Secretary of State James Baker, the third recommended
7 requiring a photo ID to vote, and I think that's
8 probably been put into testimony or evidence by
9 Representative King earlier.

10 So I'll just say that to ensure public
11 confidence in the election process, every qualified
12 citizen must be allowed to vote, and they must be
13 allowed to have their vote counted. Supporting Federal
14 ID legislation is the only responsible thing to do, and
15 I think is indeed necessary to protect liberty and
16 justice for all. Thank you so much.

17 CHAIRMAN BERMAN: Members, questions?
18 Mr. Anchia?

19 REPRESENTATIVE ANCHIA: Ms. Benkiser,
20 thanks again for your testimony. I appreciate you
21 waiting as long. I'll be very, very brief. You just
22 stated and I think very appropriately that every
23 qualified citizen should have the right to vote. I
24 agree with you. I think that's among the most important
25 rights. Again, the intention of my concern is whether



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 we're restricting the franchise, and, specifically, my
2 concern is about -- is about the voter registration,
3 having to prove you're a citizen to be a registered
4 voter, and you'll probably agree with me that your
5 testimony here today is an important right. I think it
6 forms part of your right to address the government,
7 right? I mean, that is an important right.

8 MS. BENKISER: Absolutely.

9 REPRESENTATIVE ANCHIA: Yeah. In your
10 right to speech. You would also agree that the right to
11 register to vote -- to vote is at least a co-equal right
12 with what you're doing here today, correct? It's at
13 least as important.

14 MS. BENKISER: Absolutely. The right to
15 vote and to self-govern is the underpinning foundation
16 to our American system of government.

17 REPRESENTATIVE ANCHIA: And in order --
18 And the requirement in these bills for registration is
19 that you prove you are a citizen, correct?

20 MS. BENKISER: I believe not only is that
21 a requirement in these bills, but it is indeed a US
22 constitutional requirement that one be a citizen in
23 order to vote.

24 REPRESENTATIVE ANCHIA: And I totally
25 agree with that. I totally agree with that. My concern



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiredepositionsolutions.com

1 is how do you prove it? Can you prove today that you
2 are a citizen?

3 MS. BENKISER: Yes, sir, I can.

4 REPRESENTATIVE ANCHIA: Okay. Do you have
5 your passport with you?

6 MS. BENKISER: Not with me in this room.

7 REPRESENTATIVE ANCHIA: Citizenship
8 papers?

9 MS. BENKISER: I certainly could get it.

10 REPRESENTATIVE ANCHIA: But do you have
11 them right now? If I was going to register you to vote,
12 could you prove that you were a US citizen right now?

13 MS. BENKISER: Mr. Anchia, I appreciate
14 what you're trying to say, but the point is if I were
15 here to register to vote, yes, sir, I could prove that I
16 was a citizen. It wouldn't be very much trouble.

17 REPRESENTATIVE ANCHIA: But if you weren't
18 registered and I was trying to register you now and you
19 weren't registered and this -- and we were voter
20 registrants and you had the opportunity, could you right
21 now prove that you are a citizen?

22 MS. BENKISER: It would depend on what you
23 required from me as proof.

24 REPRESENTATIVE ANCHIA: Under -- Under the
25 bill. Under the bill. Do you have your passport with



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 you?

2 MS. BENKISER: I do not have my passport
3 with me.

4 REPRESENTATIVE ANCHIA: Do you have
5 citizenship papers with you?

6 MS. BENKISER: No, I don't.

7 REPRESENTATIVE ANCHIA: And do you have, I
8 guess, the third -- what is the third thing in the bill?
9 A -- In order to register to vote, there's a thing in
10 the bill. A birth certificate. Do you have your birth
11 certificate with you?

12 MS. BENKISER: Not with me.

13 REPRESENTATIVE ANCHIA: Okay. Okay.
14 That's -- That's the reason I'm trying to articulate
15 this intention about whether we're really restricting
16 and having a tough time or giving people a tough time in
17 order to register to vote because that -- I agree with
18 you, as you said, it's -- every qualified citizen should
19 have the opportunity to vote, right?

20 MS. BENKISER: Absolutely.

21 REPRESENTATIVE ANCHIA: And -- And I worry
22 that this bill creates a problem, and I appreciate you
23 walking through that exercise with me because I like
24 you -- I mean, look, I don't want voter fraud. I agree
25 with you a hundred percent. The voter fraud that we're



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiredepositionsolutions.com

1 trying to deal with here is kind of a voter
2 impersonation, right? People going to vote say --

3 MS. BENKISER: Absolutely.

4 REPRESENTATIVE ANCHIA: -- that they're --
5 and voter impersonation, I think, is a bad -- is a bad
6 thing.

7 MS. BENKISER: Yes, sir. I think they
8 should go to jail for that, but that's a different
9 matter.

10 REPRESENTATIVE ANCHIA: I agree with you.
11 I agree with you. And if these bills said that if you
12 impersonate a voter, you shall go to jail and this could
13 be a felony. I'm right there with you that I think it
14 is a bipartisan deal. I just worry about restricting
15 people's access and --

16 MS. BENKISER: I do -- and I -- And I
17 certainly appreciate your giving me the opportunity to
18 talk about this because I think at the end of the day,
19 it's about ensuring the integrity of election and
20 keeping the public's confidence that in fact every
21 citizen can -- who is qualified, who is properly
22 registered be allowed to vote and they have their vote
23 counted, and every single instance where that does not
24 happen, it takes away your right and my right to govern
25 ourselves, and I'm sure that you would all agree that's



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 just not acceptable.

2 REPRESENTATIVE ANCHIA: Thanks for
3 answering my questions. I really appreciate it.

4 MS. BENKISER: Yes, sir.

5 CHAIRMAN BERMAN: Mrs. Benkiser, I have a
6 couple of questions too, if you don't mind.

7 MS. BENKISER: Yes, sir.

8 CHAIRMAN BERMAN: Before earlier tonight,
9 we heard House Bill 265 concerning registration on
10 election -- during early election days. And Mr. Anchia
11 listed a number of items that people should have with
12 them when they do register. He said to have proof of
13 identification with you, you need a Texas driver's
14 license, including a temporary license and utility bill,
15 a Texas driver's license or a temporary license, a US
16 passport, a United States military ID. In fact, these
17 are all in Mr. Anchia's requirements for registration.

18 So if you were going to register and you
19 knew the registration date, could you at all not find
20 any of these documents and prepare to go to register
21 with just about every one of these documents?

22 MS. BENKISER: You're right.

23 REPRESENTATIVE ANCHIA: Mr. Anchia listed
24 all these things as part of registration.

25 MS. BENKISER: Yes, sir. Mr. Chairman, I



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquireolutions.com

1 believe that's correct.

2 CHAIRMAN BERMAN: Okay. So you can find
3 any of these documents if you need -- if you knew when
4 you had to register.

5 MS. BENKISER: I know where all of those
6 documents are for myself, yes, sir.

7 CHAIRMAN BERMAN: You don't carry a birth
8 certificate with me, do you?

9 MS. BENKISER: No, I don't.

10 CHAIRMAN BERMAN: I don't carry a passport
11 with me until -- unless I'm traveling overseas.

12 MS. BENKISER: Right.

13 CHAIRMAN BERMAN: I don't have any of
14 those documents with me, but if I needed them, I know
15 exactly where to go and get them.

16 MS. BENKISER: Yes, sir.

17 CHAIRMAN BERMAN: And they're very easy to
18 get.

19 MS. BENKISER: Yes, sir.

20 CHAIRMAN BERMAN: Thank you, Chairman
21 Benkiser.

22 MS. BENKISER: You're very welcome. Thank
23 you so much for allowing me to testify.

24 CHAIRMAN BERMAN: The chair calls Luis
25 Figueroa. Is Mr. Figueroa in the room? Oh, I'm sorry.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 Just your testimony, Mr. Figueroa, will be on all three
2 bills.

3 MR. FIGUEROA: Okay.

4 CHAIRMAN BERMAN: They're all pretty
5 simple.

6 MR. FIGUEROA: Sure. Thank you very much,
7 Mr. Chairman. My name is Luis Figueroa, and I'm the
8 legislative staff attorney for the Mexican American
9 Legal Defense and Educational Fund, MALDEF, and I just
10 handed to you all a bunch of documents. I apologize. I
11 wasn't sure how we were going to break down the bills,
12 but I handed you some fact sheets on Voter ID on proof
13 of citizenship, the testimony on the proof of
14 citizenship bill, the two proof of citizenship bills and
15 testimony on the Voter ID bill, and I think there are
16 two separate issues so I separated them out. I hope
17 that's acceptable to the committee.

18 We as a -- You, as a committee and state
19 legislators, have a commitment to kind of do a cost
20 benefit analysis of how we can keep the integrity of the
21 vote while maintaining access, and that's really what
22 this issue is all about. How do we maintain access to
23 voting so that every eligible voter has access to be
24 able to vote while at the same time keeping the
25 integrity of the voting system? And I think that the



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 voter -- And for the reasons that the Voter ID is proof
2 of citizenship swing that pendulum too far in favor of
3 denying access, we oppose all three bills.

4 CHAIRMAN BERMAN: If I might interrupt,
5 Mr. Figueroa. How?

6 MR. FIGUEROA: Sure. The first reason
7 that we have in terms of -- We've got to look at the
8 benefits and the cost. First of all, the benefits on
9 Voter ID Texas already has a Voter ID requirement.
10 Right now under current law, you have to present a voter
11 registration certificate card. One of the things that
12 representative Anchia's bill earlier talked about was
13 same day registration. At that point, you don't have a
14 voter registration card because you haven't registered
15 to vote, which is why you have to present some
16 identification.

17 Under current law, when you go vote, if
18 you don't have a voter registration card, you have to
19 present identification. That is the current law when in
20 the current law we have a voter identification
21 provision. What these bills do is add a multiple voter
22 identification criteria, and the only benefit it solves
23 is a problem of voter impersonation. When we questioned
24 the Attorney General, the Secretary of State, the only
25 type of fraud they talk about is mail fraud or other



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 types of fraud of stuffing the ballot box. Voter
2 impersonation is a nonissue, and we can't find any
3 credible findings of voter impersonation.

4 CHAIRMAN BERMAN: May I interrupt again?

5 MR. FIGUEROA: Yes, sir.

6 CHAIRMAN BERMAN: Have you talked to the
7 elections clerk in Harris County, Mr. Paul Betancourt?

8 MR. FIGUEROA: I absolutely have. In
9 fact, we had a debate at the Texas -- Conservative
10 Coalition of Texas, and we kind of hammered these issues
11 out, and we talked the discussion, and you know what we
12 talked about was -- and he mentioned what is mentioned
13 before, anecdotal evidence of people in the jury box
14 saying that they were registered to vote and yet weren't
15 citizens, but there wasn't any real proof of a voter
16 intentionally voting or impersonating a voter, I should
17 say. There's a difference between impersonating a voter
18 and voting.

19 And let's talk about what impersonating a
20 voter means. That means I registered to vote with a
21 card -- acquire a voter registration card, but that's
22 not actually who I am, so I'm going as somebody else and
23 taking that voter registration card as a false person
24 and saying I'm Mr. Joe Smith, when, in fact, my real
25 name is Louis Figueroa. This is a very rare occurrence,



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiredepositionsolutions.com

1 and when we hear incidences of dead people voting or
2 stuffing the ballot box, the voter identification
3 provisions don't address that in any way or shape. So
4 we have a -- very little benefit from the voter
5 identification.

6 Let's look at the costs, and these are the
7 costs. There's a big cost on nondrivers. Nondrivers
8 are going to have to acquire a different form of
9 identification. They are going to have to acquire the
10 utility bill, that many people don't know about these
11 requirements when they go vote, and will have to go back
12 home, which pretty much represents an additional
13 barrier. It's an impact on people who newly moved. For
14 instance, I just moved to -- about a mile away from my
15 current -- my current condominium, and when I moved, it
16 took a long time for my driver's license to arrive. So
17 I have an old driver's license with a different address.
18 If someone's identity is stolen, they may not have a --
19 a -- or they recently moved or they got married, their
20 driver's license name and address may not match where
21 they actually live.

22 It has an impact on the election judge.
23 The election judge now has to get training on new
24 identification procedures, what forms are acceptable,
25 which forms aren't. When we saw this in Arizona, it had



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

100

1 a huge impact on the Native American community because
2 they had to travel extreme distances to come to the
3 polls, and most of them only had a travel identification
4 card. If they forgot the travel identification, they
5 had to vote what's called a conditional provisional
6 ballot. It was a very complicated process where they
7 had to come back and set up a provisional ballot
8 process, and it was a very confusing and costly process,
9 not only for the voter, but for the election judge and
10 the election officials.

11 The last challenge is that of MALDEF's
12 specialty is and that's the impact on the constitution
13 and the litigation costs. We identify in the bill as
14 the particular legal objections we have to Voter ID and
15 to date, there have already been successful challenges
16 in Albuquerque. In Arizona, MALDEF is -- is litigating
17 that case right now. Like I said, it went up to the
18 Ninth Circuit. It went up to the Supreme Court. It's
19 currently pending again in the Ninth Circuit, and it's
20 been a very extensive and exhaustive litigation process.
21 In Georgia, it was struck down, and, in fact, the
22 reality is nearly every state has an ID regulation. The
23 question is how onerous is the ID regulation. When
24 Georgia went too far, they struck it down. When New
25 Mexico -- Albuquerque went too far, they struck it down,



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007439

TX_00205110

101

1 and I think these bills that are in Texas are going to
2 also swing the bill as going too far.

3 Now, I also wanted to talk about proof of
4 citizenship to register to vote because we think that is
5 a much more onerous provision in the election process.
6 Again, when we talk about the benefits, we have had no
7 instances of undocumented voting in an election. There
8 have been no instances that the -- that any election
9 official can point to of an undocumented immigrant
10 voting an election. Proof of citizenship, what happened
11 in Arizona in the first month, 79 percent of them were
12 rejected and only a handful of those people reflected
13 foreign born. Mostly, those were naturalized citizens.
14 So the impact on this wasn't on immigrants or on
15 undocumented. The impact was on eligible voters.

16 The fact of the matter is the proof of
17 citizenship requirement is again duplicative of current
18 law. Current law, you have to mark the box and say that
19 you are a US citizen, and if you lie on that, you are
20 committing a felony of perjury. You are exposing
21 yourself to extreme immigration consequences.

22 CHAIRMAN BERMAN: Mr. Figueroa, may I
23 interrupt and ask you a quick question?

24 MR. FIGUEROA: Yes, sir.

25 CHAIRMAN BERMAN: Did you support House



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007440

TX_00205111

102

1 Bill 265?

2 MR. FIGUEROA: Yes, I did.

3 CHAIRMAN BERMAN: It requires proof of
4 citizenship for registration. It requires a lot of
5 different identification.

6 MR. FIGUEROA: That's correct. That's
7 right, it does, and what I was stating earlier is the
8 reason for that is because it is a prime example of our
9 current law. Under current law, you don't have a voter
10 registration certificate. You have to present an ID
11 card. You have to present an additional identification
12 card. If you haven't registered to vote, you don't have
13 that voter registration card. So that is actually
14 pretty much repeat of our current law.

15 CHAIRMAN BERMAN: But isn't that what
16 you're speaking of right now, people who don't have a
17 voter registration card and were going to vote and you
18 are saying it's onerous for them to have to present
19 information saying you are a US citizen?

20 MR. FIGUEROA: No. Actually, what this
21 bill does is for people who are registered to vote and
22 have their voter registration card. So if you register
23 to vote, you've got your voter registration card.
24 You've got yourself to the point place. You still need
25 to present additional identification under this bill.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007441

TX_00205112

103

1 Under current law, you're good once you have that voter
2 registration card.

3 CHAIRMAN BERMAN: But you have that
4 identification at the time you register. Why can't you
5 use it at the time you vote?

6 MR. FIGUEROA: Why can't you use your
7 voter registration card?

8 CHAIRMAN BERMAN: No, no, not the voter
9 registration. You need identification at the time you
10 register to vote; is that correct?

11 MR. FIGUEROA: Under -- Under current law?

12 CHAIRMAN BERMAN: Under 265.

13 MR. FIGUEROA: Oh, under 265.

14 CHAIRMAN BERMAN: The one you supported
15 before, yeah.

16 MR. FIGUEROA: Under 265, in order to
17 register at the same time, the same day as you register
18 to vote and the same day you vote, yes, you need to
19 present identification.

20 CHAIRMAN BERMAN: To register.

21 MR. FIGUEROA: To register and vote.

22 CHAIRMAN BERMAN: Why can't you use the
23 same identification then to vote?

24 MR. FIGUEROA: The reason for that is
25 because on a same day election card, you don't have your



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007442

TX_00205113

104

1 voter registration card. You have no proof of anything
2 saying who you are. When we go vote at regular
3 places --

4 CHAIRMAN BERMAN: Is the voter --

5 MR. FIGUEROA: -- we have voter --

6 CHAIRMAN BERMAN: Is the voter
7 registration card in your mind an identification card?

8 MR. FIGUEROA: Yes, yes, absolutely. It
9 shows who you are. It has your name. It has your --
10 your -- you know, your precinct. It has a lot of
11 information about you and today that is a sufficient
12 identification for a voter, and at the point we start
13 adding a picture ID or other forms of identification,
14 we're basically asking for multiple identification.

15 CHAIRMAN BERMAN: And you object to
16 someone showing one other document that showed that they
17 are the person on the voter registration card?

18 MR. FIGUEROA: We have.

19 CHAIRMAN BERMAN: Is that what you're
20 saying you object to?

21 MR. FIGUEROA: That's right. That's what
22 we object to, and the reason we object to it because it
23 will affect people who have recently moved whose names
24 don't match. It will affect people whose recent
25 addresses don't match, and it will reflect people who



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007443

TX_00205114

105

1 don't have driver's license, who may be disabled or
2 elderly or for whatever reason don't have a driver's
3 license on them.

4 CHAIRMAN BERMAN: I'm sorry. Mr. Anchia?

5 REPRESENTATIVE ANCHIA: Thank you,
6 Mr. Chairman. Mr. Figueroa, thank you for testifying
7 today. I just want to make sure that we don't go down
8 any rabbit trails indeed. You heard the exchange
9 between the chairman and -- and Chairwoman Benkiser,
10 correct, earlier?

11 MR. DUERSTINE: Yes, sir.

12 CHAIRMAN BERMAN: And the inference was
13 made that HB265 was the same in its requirement as this
14 bill, correct?

15 MR. FIGUEROA: Right.

16 CHAIRMAN BERMAN: That was the inference
17 that was made.

18 MR. FIGUEROA: That was the inference.

19 CHAIRMAN BERMAN: Is it not true that
20 HB265 just states current law with respect to voter
21 registration?

22 MR. FIGUEROA: That's right. I mean,
23 basically what it's saying is you fill out the voter
24 registration card, and in order to -- to identify
25 that -- you have some provisions in there that talk



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007444

TX_00205115

106

1 about identification.

2 REPRESENTATIVE ANCHIA: So HB265 creates
3 no new requirement under current law with respect to
4 voter registration; is that correct?

5 MR. FIGUEROA: That's basically correct.
6 I mean, it's -- it's slightly different in the sense
7 that when you mail a voter registration card, you don't
8 have to present that identification, but yes.

9 REPRESENTATIVE ANCHIA: But for
10 in-person --

11 MR. FIGUEROA: For in-person voting, it's
12 a direct match, yes.

13 REPRESENTATIVE ANCHIA: Which would be the
14 same -- Which would be the same thing that you would be
15 doing if you had -- if you're participating in that
16 pilot program. You would be providing the same
17 information, and HB265 does not create any different
18 standard for in-person voter registration, correct?

19 MR. FIGUEROA: That's right.

20 REPRESENTATIVE ANCHIA: Okay. Okay.
21 Thank you. I just wanted to make sure. It sounded like
22 there was some confusion between Chairwoman Benkiser and
23 the chairman of the committee, but, in fact, there is no
24 new standard under HB265. We took current law for
25 in-person voter registration, so there's just no



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquireolutions.com

JA_007445

TX_00205116

107

1 difference.

2 CHAIRMAN BERMAN: I understand that. So
3 you shouldn't object to showing same identification when
4 you go to vote.

5 REPRESENTATIVE ANCHIA: Except that this
6 is a higher standard. You've created a higher standard
7 to prove citizenship.

8 CHAIRMAN BERMAN: Is there something wrong
9 with -- with that?

10 REPRESENTATIVE ANCHIA: Well, that's --

11 CHAIRMAN BERMAN: Does it preserve our
12 right to vote and --

13 REPRESENTATIVE ANCHIA: That's the debate
14 we're having today. I just wanted to point out because
15 the inference is made, Mr. Chairman, that -- that 265
16 was the same as the voter ID bill when, in fact, the
17 registration requirements under 265 are those found in
18 current law. Thanks.

19 MR. FIGUEROA: And for us --

20 CHAIRMAN BERMAN: Wait a second.
21 Mr. Bohac?

22 MR. FIGUEROA: Yes, sir.

23 REPRESENTATIVE BOHAC: Just a quick
24 question for you. What if there was no Voter ID card
25 that was required, but you had to show just a driver's



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007446

TX_00205117

108

1 license or a -- or a valid Texas ID card? Would that be
2 okay?

3 MR. FIGUEROA: That's what card instead
4 of -- I think that's a restatement of current law.

5 REPRESENTATIVE BOHAC: What I'm saying is
6 what if -- what if we didn't require at all -- we didn't
7 even have a voter registration card. Would it be
8 cumbersome for a person to just show their driver's
9 license or a valid -- or a valid state ID, whatever it
10 is? Would that be too cumbersome using your logic that
11 you are presenting here today? Is that -- Would that be
12 too cumbersome?

13 MR. FIGUEROA: Well, in a way, that's how
14 a lot of people vote, right? A lot of people don't
15 remember to bring -- In fact, you stated earlier a lot
16 of you always don't know where your voter registration
17 card is, so you just go and you show your ID. Our
18 problem is that there are some people who do use the
19 voter registration card without the ID, and, usually,
20 those are the disadvantaged or particular segments of
21 our population. The disabled who don't drive, the
22 elderly who have voted with their voter registration
23 card for a long time, people who use the bus and have
24 never applied for a driver's license, people who are
25 students and haven't got their card yet and haven't got



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007447

TX_00205118

1 a driver's license yet. So this -- What Texas law
2 currently provides is that for those instances, those
3 special populations, they can use their voter
4 registration card.

5 Now, I think you're a right. For the mass
6 majority of people, they use their -- their ID card and
7 they use their other identification identified that they
8 have, their picture ID, and I think that's why it works
9 so well. And we don't see a -- necessarily a problem
10 that needs to be fixed. But the -- the high end
11 standard that Chairman Burnam stated is what we have a
12 problem with. The higher standard in our opinion swings
13 the pendulum too far and only solves the problem of
14 voter impersonation, which we haven't seen to be an
15 actual problem, and, instead, has the potential of
16 disenfranchising a segment of population even if it's a
17 small population where one of those fact sheets shows is
18 that even 2 percent that were affected in Arizona with a
19 proof of citizenship count for thousand and thousands of
20 voters, which is -- that are more than the -- you know,
21 the even -- the most conservative numbers -- Texas
22 conservative coalition.

23 The most conservative numbers have only
24 been able to say 50 or 60 voters are affected, you know,
25 have -- you know, have -- may have committed fraudulent



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiredepositionsolutions.com

110

1 voting. If you compare that to the number of people
2 who'll be disenfranchised by Voter ID and proof of
3 citizenship, it's not even close. If you compare it to
4 the total number of votes cast, it's a significantly
5 insignificant number. It's like .00001 percent of the
6 electorate out there. So the costs are astronomical
7 when you include proof of citizenship.

8 It has an impact on women whose names may
9 have changed and their proof of citizenship don't match.
10 Their birth certificates aren't going to match their new
11 name. It's going to have an impact on naturalizations
12 because a naturalization's certificate itself says do
13 not copy, do not duplicate, do not make a copy of which
14 is going to deter voters in actually making a copy of
15 that naturalization certificate. It's going to kill
16 third party voter registration drives at the mall or at
17 the college campuses because, as we've stated, nobody
18 carries their documentation with them when they walk
19 around, and it's -- we believe it's -- it's a clear
20 violation of the law under the 24th Amendment which the
21 poll tax, the National Voter Registration Act and the
22 Voting Rights Acts particularly are pertaining to proof
23 of citizenship to register to vote.

24 CHAIRMAN BERMAN: I had another question.

25 MR. FIGUEROA: Yes.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007449

TX_00205120

111

1 CHAIRMAN BERMAN: I appreciate your
2 testimony, but I had another question related to my
3 previous question. In your documentation -- In your
4 testimony that you provided to us, you make two
5 statements here. It says -- He doesn't have it. We'll
6 put page numbers on it. It's four. Page 4 of it says
7 218. The one that says House Bill 218. You use two
8 sentences. You say -- I want to read them to you and
9 just for some clarification. You said "voting is a
10 fundamental right of every American." Do you follow me?

11 MR. FIGUEROA: Yes.

12 CHAIRMAN BERMAN: Are you with me? You
13 said, "Every time we place a restrictions on this right,
14 we are undermining it." Are there any restrictions in
15 the past that have undermined or are we just talking
16 about restrictions on a go-forward basis that would be
17 undermining this process?

18 MR. FIGUEROA: Oh, Texas has a long
19 history of putting unfair restrictions on voters. The
20 poll tax was for one. All white primaries for a long
21 time.

22 CHAIRMAN BERMAN: That's not what you
23 said. You said, "Every time we place a restriction,"
24 not some or a few.

25 MR. FIGUEROA: That's right.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007450

TX_00205121

112

1 CHAIRMAN BERMAN: You said, "Every time we
2 place a restriction" -- that would include any -- "on
3 this right we are undermining it."

4 MR. FIGUEROA: That's right. And I think
5 the -- the premise of that a mark is there was an
6 article by the New York Times that talked about every
7 restriction you put on a voting has an impact on voter
8 turnout and voter accessibility. Now, obviously, there
9 are going to be some requirements to vote. You have to
10 fill out a registration certificate. You have to bring
11 your voter registration card, and I think even those
12 ones are going to have small impacts. The question is
13 how far are you going to go about undermining the right
14 to vote in order to you make sure that you have that
15 secure election? And we think once you start going into
16 the requirement under 218 and proof of citizenship
17 requirements, you have swung that pendulum too far.

18 CHAIRMAN BERMAN: Okay. Thank you. What
19 percentage of these -- You spoke about a number of
20 different populations that may be disenfranchised. What
21 populations are you talking about?

22 MR. FIGUEROA: Sure. We kind of laid out
23 a little bit in our fact sheet. We talked about low
24 income, the elderly, people who have recently moved to
25 Texas, disabled citizens, college citizens, and those



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007451

TX_00205122

113

1 are on the Voter ID side. On the proof of citizenship,
2 I think you have a tremendous impact on the elderly
3 because they are going to have a hard time locating
4 proof of citizenship. Documents that may have been lost
5 over time or may have been damaged, fires have damaged
6 over time.

7 Naturalization, it's going to have an
8 impact on naturalized citizens for proof of citizenship
9 because that document says do not make a copy of it.
10 It's also very expensive to acquire those documents, and
11 we laid that out in the committee -- in the testimony.
12 To get those naturalization certificates, it costs
13 hundreds of dollars. I think the cost is \$200. But
14 it's laid out in the testimony, so it has a significant
15 cost on a naturalized citizens. So these are some of
16 the -- the populations that are impacted. It also says
17 that --

18 CHAIRMAN BERMAN: Of these populations
19 that are impacted, what percentage of those populations
20 are actually registered to vote and what percentage
21 actually voted in the last election?

22 MR. FIGUEROA: Well, I know that you --
23 there was a study done by the Brennan Center that said
24 11 percent or 21 million United States citizens do not
25 have government issued "identification." That was in



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiredepositionsolutions.com

JA_007452

TX_00205123

114

1 November of 2006. How many of those people are actually
2 registered right now? I'm not sure, but we could try to
3 locate that. It's very difficult to kind of determine
4 these numbers because, you know, it's difficult to
5 estimate the number of people who have identification
6 and who don't. But we know that 11 percent based on a
7 poll by the Brennan Center do not have government issued
8 full identification.

9 CHAIRMAN BERMAN: I think all three of
10 these bills indicate that these populations can get free
11 identification from counties or from the state
12 government.

13 MR. FIGUEROA: Well, they can to a certain
14 extent. To get a driver's license, you still need to
15 present some --

16 CHAIRMAN BERMAN: Not a driver's license.
17 Just an identification card.

18 MR. FIGUEROA: Yes. To get an
19 identification card in Texas, Texas requires that you
20 bring some documents with you to prove who you are to
21 get a driver's license. So there is some -- a little
22 bit of cost to get that even if you give it out free.
23 But, certainly, we agree that making it a free process
24 is making than having to pay for it, sure.

25 REPRESENTATIVE BURNAM: Mr. Chairman, I'm



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007453

TX_00205124

115

1 glad you brought that back up because I was surprised --
2 As I was going through my folder, I was not able to find
3 any cost estimates on that, and, you know, while there's
4 a good argument for the state pays for everybody to be
5 able to have some sort of photo ID, ordinarily, when we
6 have bills laid out, we have that information. You --

7 COMMITTEE CLERK: (Inaudible.)

8 CHAIRMAN BERMAN: Is it these right here?
9 This is -- Okay. Okay. Thank you.

10 COMMITTEE CLERK: I'm sure it's here
11 somewhere. We're just going to find it.

12 CHAIRMAN BERMAN: You can continue,
13 Mr. Figueroa.

14 MR. FIGUEROA: Pretty much then the only
15 thing I want to lay out is -- and I think this might
16 address the question that Representative Burnam is
17 talking about, is the costs to acquire some of this
18 document, and it's laid out on the second page on HB 101
19 and 266. A birth certificate costs \$23 in San Antonio.
20 \$22, Bureau of Vital Statistics. A passport costs 85.
21 If you want to get it faster, it costs additional money.
22 A naturalization certificate will cost \$210, and it can
23 take up to six months from the Department of Homeland
24 Security. So if someone is trying to register in a --
25 in a reasonable amount of time, it may take them as much



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007454

TX_00205125

116

1 as six months to register to vote, which will likely
2 affect their ability to register on time.

3 CHAIRMAN BERMAN: So you don't think it's
4 absolutely necessary then for a person to prove they're
5 a US citizen in order to register to vote? Is that what
6 you just said?

7 MR. FIGUEROA: No. What we're saying is
8 that by marking that box that says you are a US citizen
9 and under penalty of perjury law and under the penalty
10 of immigration law and under the penalty of the State of
11 Texas, that's sufficient documentary proof.

12 REPRESENTATIVE BOHAC: What if we had a
13 document like that to board a plane?

14 MR. FIGUEROA: A document such as what?

15 REPRESENTATIVE BOHAC: Such as that, that
16 we just promised that we were not caring any bombs.

17 MR. FIGUEROA: Sure. Well, actually, this
18 is an interesting question. It came up incidentally
19 with my mother who is a US citizen by the basis of her
20 mother who's a US citizen is, but wasn't born in the
21 United States, and she doesn't have a valid driver's
22 license, and she would be severely impacted by this
23 bill, and so when she travels, she presents a --

24 CHAIRMAN BERMAN: Let me ask you this.
25 Your mother would be severely impacted by this bill?



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007455

TX_00205126

117

1 MR. FIGUEROA: Yes, because she's a US
2 citizen, but doesn't have the documentation.

3 CHAIRMAN BERMAN: You couldn't get her an
4 identification card or you wouldn't go and get her an
5 identification card?

6 MR. FIGUEROA: We've tried. It's not --
7 It's right now very difficult to acquire because her
8 mother's birth certificate was lost in a fire, and so
9 she doesn't actually have that documentation at the
10 moment, and when she travels, she presents her
11 government card that doesn't have a picture on it and
12 sometimes a Sam's card, and what they do is they screen
13 her through the x-ray and she goes through a more
14 intensive search, but they don't deny her access to that
15 plane, and so there are ways to get around this.

16 And I think that Texas has that exact
17 requirement. If you don't have your voter registration
18 certificate, you present your identification. There are
19 ways to get around the identification costs. And Texas
20 currently has an ID identification process that works,
21 and so I think that that's -- that's what we're getting
22 to the heart of.

23 CHAIRMAN BERMAN: I'm sorry. Mr. Burnam?

24 REPRESENTATIVE BURNAM: Thank you.

25 Mr. Anchia is being asked to be recognized also. I want



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007456

TX_00205127

118

1 to ask a couple of kind of small specific questions, I
2 think. In your fact sheet, you talk about Maricopa
3 County, 2 percent of the voters were unaware of the new
4 ID requirements on election day, and that would be kind
5 of like the example of the -- our first colleague that
6 laid out the bill, a gentleman named Gramm, who was not
7 aware of some of the changes in the law. So
8 approximately 2 percent of Maricopa County people showed
9 up not aware of the requirements, and I don't know what
10 that led to in the number of voters turned away in
11 Maricopa County, but you're estimating that that could
12 translate into 80,000 potential ballots. In the
13 governor's election in 2006 when we had an extraordinary
14 low voter turnout may have had approximately 88,000
15 turned away.

16 My question is about isn't there a greater
17 problem with people being turned away from the polling
18 place for frequently unexplainable excuses than there is
19 a problem of people voting impersonating somebody else?

20 MR. FIGUEROA: That's exactly --

21 REPRESENTATIVE BURNAM: I mean,
22 statistically, we can walk through -- and I personally
23 have had the experience because I've done a number of
24 election day troubleshoots in my county where people are
25 inappropriately turned away, and because of timing.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007457

TX_00205128

119

1 They've got to go to work. They've got to go pick up
2 the kids. They're denied the right to vote. Is it your
3 experience at MALDEF in monitoring these things over the
4 years that this occurs just proportionately to people of
5 color?

6 MR. FIGUEROA: We certainly have had our,
7 you know -- Of course, most of our calls come from
8 Latinos, and it's certainly a problem within the -- the
9 Latino community at a particularly low income may not
10 have the driver's license. We've had problems with
11 provisional voting where they won't get offered
12 provisional voting.

13 But I think we get to the heart of the
14 matter, right? The question is the cost benefit
15 analysis. You're talking about voter impersonation,
16 which is a very infrequent, rare problem. When we're
17 talking -- When we add Voter ID through a provision to
18 the mix, you can affect as much as 2 percent of the
19 vote. 88,000 versus a highly inflated number that some
20 people put out of maybe 50 of people committing some
21 type of wrongful voting. The numbers don't even come
22 close.

23 If you look at the cost benefit analysis,
24 it doesn't make sense. Disenfranchise large segments of
25 our population, thousands of voters to protect a



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007458

TX_00205129

120

1 problem, that rarely, if ever, occurs.

2 REPRESENTATIVE BURNAM: Luis, in bills
3 being laid out, there was a great deal of discussion
4 about people who have died for our right to vote and
5 secure it and that sort of thing. Is it your experience
6 that since 1950 a number of people have died in the
7 southern states of the United States trying to secure
8 the right to vote for people of color?

9 MR. FIGUEROA: Absolutely.

10 REPRESENTATIVE BURNAM: And so shouldn't
11 we give as much respect to the people that have
12 struggled and died in this country to secure the right
13 to vote as we give to those who have served in the
14 military?

15 MR. FIGUEROA: Absolutely.

16 CHAIRMAN BERMAN: They both have been
17 fighting for the same thing.

18 MR. FIGUEROA: That's right. Every vote
19 counts.

20 REPRESENTATIVE BURNAM: But isn't it your
21 experience that every general election since you've been
22 involved with MALDEF and maybe before that, there's been
23 active voter repression activities at numerous polling
24 places throughout the south? Isn't that --

25 MR. FIGUEROA: Yes.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007459

TX_00205130

121

1 REPRESENTATIVE BURNAM: I mean, isn't that
2 one of the reasons we fall under the Voter Rights Act.

3 MR. FIGUEROA: That's right. That's what
4 I was about to mention. We fall under Section 5 of the
5 Voting Rights Act because of our history of
6 discrimination, and we -- when we went through the
7 renewal process right now in Congress, we documented --
8 MALDEF presented continuing widespread discrimination
9 against the voters and voter suppression efforts, and,
10 frequently, it was the same places they were doing it
11 back when the Voting Rights Act was passed in the first
12 place. We had one county in Seguin that continuously
13 violates Section 5 of the Voting Rights Act every time
14 we redistrict them. We find continuous efforts to try
15 to prevent them from electing candidates of their
16 choice.

17 REPRESENTATIVE BURNAM: Do you know how
18 many thousands of African-Americans were turned away
19 from the polls in Florida in the year 2000 because of
20 issues over identification at the polling place?

21 MR. FIGUEROA: Yeah. It was certainly --
22 I don't know the exact number, but I know it was a
23 tremendous issue, and the reason why we passed the Help
24 America Vote Act was because of the widespread problems
25 we had in Florida. Many people think it was because of



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007460

TX_00205131

122

1 the hanging chads, but it had much more to do with the
2 wrongful purging of African-American voters in Florida.

3 REPRESENTATIVE BURNAM: Thank you.

4 CHAIRMAN BERMAN: Mr. Anchia?

5 REPRESENTATIVE ANCHIA: Thank you,
6 Mr. Chairman, and since -- since I asked Chairman
7 Benkiser this, and I respect her very, very much, I'd
8 like to ask you the same question. Do you have your
9 passport with you? Can you prove today that you are a
10 citizen?

11 MR. FIGUEROA: No, I don't.

12 REPRESENTATIVE ANCHIA: Okay. Do you have
13 any citizenship papers?

14 MR. FIGUEROA: Not with me.

15 REPRESENTATIVE ANCHIA: And I can't
16 remember the third.

17 MR. FIGUEROA: Birth certificate.

18 REPRESENTATIVE ANCHIA: Do you have your
19 birth certificate with you?

20 MR. FIGUEROA: No, I do not.

21 REPRESENTATIVE ANCHIA: I couldn't
22 remember twice. We've like sort of killed the effect.
23 But I wanted to ask that of all the people who were
24 going to testify to this. I certainly believe that your
25 right to free speech and your right to address



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007461

TX_00205132

123

1 government is at least a co-equal right with that of
2 voting, and if we had a rule on the committee today that
3 you could only come -- you had to prove your citizenship
4 in order to address this body, I think so far the two --
5 the two witnesses that we have would be unable to prove
6 that, and so I'm -- I am -- I'm not prepared to make
7 that rule or to suggest that rule, members of the
8 committee, but I think it's illustrative of the
9 difficulties that people might have in proving those --
10 in providing those documents.

11 MR. FIGUEROA: Absolute. It's going to
12 have a tremendous impact on voter registration drives
13 for that reason.

14 CHAIRMAN BERMAN: Mr. Figueroa, you
15 mentioned in the response to questions from Mr. Burnam
16 that you know of people turned away from the polls.

17 MR. FIGUEROA: Yes, sir.

18 CHAIRMAN BERMAN: And -- And that you also
19 have knowledge of voter repression activities. Can you
20 provide this whole committee --

21 MR. FIGUEROA: Yes, sir, we can provide --

22 CHAIRMAN BERMAN: -- with documentation --

23 MR. FIGUEROA: Yes, we can provide.

24 CHAIRMAN BERMAN: -- in Texas?

25 MR. FIGUEROA: Yes, sir. We have a --



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007462

TX_00205133

124

1 CHAIRMAN BERMAN: Show them to me.

2 MR. FIGUEROA: We have a -- We've
3 submitted a report to Congress with the renewal of the
4 Voting Rights Act and highlighted all the voter
5 suppression efforts in Texas since the last time we
6 authorized, which was 1986, I believe, and we can submit
7 that to you so you can see the history of section -- of
8 objections under Section 5 that the Department of
9 Justice objected to.

10 CHAIRMAN BERMAN: When's the last time
11 that you -- what -- What election were you talking
12 about?

13 MR. FIGUEROA: Well, the most current
14 election where we saw it was the -- was the last
15 state-wide election. We had some voters who have
16 problems not being offered provisional ballots even
17 though they weren't -- you know, they weren't -- they
18 were at the polls and asking for a provisional ballot.
19 They weren't allowed to -- We had about -- I would say
20 about 30 problems in the 2004 presidential election that
21 we documented on our voters when doing election
22 protection and voter --

23 CHAIRMAN BERMAN: 30 in the whole state?

24 MR. FIGUEROA: 30 that came to our office.
25 You know, of course, we only really work in Bexar



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007463

TX_00205134

125

1 County. 30 calls that we received that were clear
2 efforts of people being denied the ability to vote.
3 There's one instance of an election judge telling a
4 voter to take that do-rag off presenting a reference to
5 an African-American voter that -- and totally
6 embarrassed a voter and prevented them from voting.

7 We had instances in Harris County where
8 they were asking for identification of people in lines,
9 even though there was no requirement, asking for
10 identification and only carding African-American
11 (inaudible) and people from the America Way Election
12 Protection and MALDEF all have this documented.

13 CHAIRMAN BERMAN: I'd like to have copies
14 of that.

15 MR. FIGUEROA: Absolutely.

16 CHAIRMAN BERMAN: Any other questions?

17 MR. FIGUEROA: Okay.

18 REPRESENTATIVE BOHAC: One more just to
19 follow up. I've -- I've tried to focus on just a Voter
20 ID. That's really all my discussions have been, you
21 know, that I've only shared those discussions with you.
22 I want to stay on just the Voter ID for just a minute
23 because I really want to grasp this.

24 If there were no voter registration card,
25 that Texas made a decision that we were no longer -- we



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007464

TX_00205135

126

1 were to save time and money, we were no longer going to
2 do voter registration cards and it was only through a
3 Texas driver's license or a valid form of Texas ID,
4 would this be unacceptable to you as a method of --
5 of -- as something that would be required to go vote?

6 MR. FIGUEROA: Yes. We think the voter
7 registration certificate is a good enough identification
8 as is, so, yes, we would have problems with there being
9 a requirement that only the driver's license be the only
10 requirement for the reasons that we stated.

11 REPRESENTATIVE BOHAC: Even an ID -- a
12 Texas ID card?

13 MR. FIGUEROA: A Texas -- Like a
14 nondriver's license identification card? Yes. I mean,
15 I think that a lot of people don't -- most people don't
16 have this. Most people have a driver's license or that
17 state identification card, and if you had -- don't have
18 a driver's license, you know, most people don't think to
19 go get an identification card, even though that option
20 may be available to them.

21 REPRESENTATIVE BOHAC: What if the ID card
22 were free?

23 MR. FIGUEROA: I mean, we certainly agree
24 that that makes it better, but, again, in order to get
25 that ID card, you have to present identification to get



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007465

TX_00205136

127

1 the ID card. You have to present -- You know,
2 particularly if the Real ID is implemented in Texas, you
3 are going to have people who have legal residence in the
4 United States unable to acquire a driver's license
5 because the Real ID doesn't count for all the immigrant
6 categories. There are significant problems under the
7 Real ID, and there was significant problems of acquiring
8 driver's license in Texas that may impact people's
9 ability to get them.

10 So we think a voter registration
11 certificate is a -- is a great form of identification.
12 It's rare that anyone will forge a registration
13 certificate. It's difficult to acquire a false voter
14 registration certificate. We think the system works in
15 that regard. There are certainly areas where we can
16 improve upon our elections process, but we don't think
17 Voter ID solves any of those problems.

18 REPRESENTATIVE BOHAC: Okay. Thank you
19 for your testimony. Mr. Anchia?

20 REPRESENTATIVE ANCHIA: Yeah. Just one
21 final question. And -- And riffing off the scenario
22 that my esteemed colleague, Representative Bohac, just
23 set out, I mean, I have a problem if -- if we allowed
24 the -- the -- if we only allowed people to vote with a
25 driver's license or a state ID because that would --



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007466

TX_00205137

1 that would actually open the gates for potential
2 noncitizen voting because as we know, you can be a
3 noncitizen and get a driver's license and a state ID.
4 So if that was the only standard, we'd actually open the
5 flood gates and we don't want to do that. We just want
6 to make sure citizens are able to vote.

7 MR. FIGUEROA: That was an issue. That
8 did come up in Arizona as well.

9 REPRESENTATIVE BOHAC: Just to take off of
10 my esteemed colleague's comments, Mr. Anchia, what if we
11 push the ID -- the -- the citizenship -- the production
12 of citizenship to the driver's license office rather
13 than the voter registration office? Would that make it
14 more palatable?

15 MR. FIGUEROA: If we did -- We do do voter
16 registration at the DPS under the --

17 REPRESENTATIVE BOHAC: No. What I'm
18 saying is what if we check for citizenship rather than
19 putting it at the front end of voting, what about we put
20 it at the front end of getting your driver's license or
21 an ID card? Would that be palatable?

22 MR. FIGUEROA: No, absolutely not.

23 REPRESENTATIVE BOHAC: It would destroy
24 the economy.

25 MR. FIGUEROA: No. We would have to



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

129

1 respond to that.

2 REPRESENTATIVE ANCHIA: Let me ask this.
3 Dwayne, are you just suggesting that we have two
4 separate driver's license, one for noncitizens and one
5 for citizens?

6 REPRESENTATIVE BOHAC: No. I was just
7 wondering, he was -- you know, he said it's difficult to
8 produce those documents when you are registering to
9 vote, and I was just exploring conceptually whether it
10 would make more sense to you to put it when you're --
11 to -- to require those documents when you're getting a
12 driver's license or an ID card at the DPS office.

13 MR. FIGUEROA: I mean, the big problem
14 about that is that you don't need to be a citizen to
15 drive. You need to be a citizen to vote. So adding
16 that requirement to drive would pretty much nullify
17 every documented immigrant's ability to get a driver's
18 license in Texas.

19 REPRESENTATIVE BOHAC: Well, no, what if
20 you just put the set -- the status on the driver's
21 license?

22 MR. FIGUEROA: Well, we've -- we've had --
23 Okay. I mean, this goes into a separate bill that was
24 last session, and we are definitely concerned about
25 labeling people's immigration status on their driver's



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007468

TX_00205139

130

1 license in the sense that it opens the door to profiling
2 and opens the door to what's required to get that stamp.
3 There are certain documents that people have that the
4 Department of Public Safety may not understand provides
5 you a -- a status in the United States, even though it's
6 not citizenship status, and I think it puts the
7 (inaudible) in a difficult position of trying to
8 ascertain what a person's immigration status is, and
9 that's a -- a difficult process that should only be left
10 to the Department of Homeland Security because they're
11 the only ones really with the expertise to ascertain the
12 multiple levels of immigration status.

13 There's over a (inaudible) of Visas.
14 There's legal primary residence. There's people here
15 with temporary protective study. Their are (inaudible).
16 You are putting the DPS in a very difficult position by
17 requiring that.

18 REPRESENTATIVE BOHAC: Okay. Thank you.

19 CHAIRMAN BERMAN: Mr. Figueroa, thank you
20 very much for your testimony.

21 MR. FIGUEROA: Thank you.

22 CHAIRMAN BERMAN: Thanks for spending your
23 day with us. The chair calls Mr. Ed Johnson.

24 Mr. Johnson, are you here? Mr. Johnson, would you state
25 your name and tell us who you are, please? Mr. Johnson



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007469

TX_00205140

131

1 is here testifying for the bill -- for all three bills.

2 MR. JOHNSON: Yes. And I need to make a
3 clarification Mr. Chairman and members. I am here
4 today, but -- and wrote that I'm with the Harris County
5 tax office. I'm an employee of the Harris County tax
6 office, but I'm actually here on my personal day. I'm
7 not officially here with the county. So what I would
8 like to do is just tell you some of the experiences I
9 have seen in the tax office, but I'm not officially
10 speaking for the tax office because today is actually a
11 vacation day for me. What a way to spend a vacation.

12 In the Voter ID thing, I guess the main
13 concern that I would have personally is in the ID theft
14 market. I have seen numerous cases in our office where
15 people's ID or people's voter registrations were stolen
16 from them. People will vote for them falsely on
17 election day. They fill out false voter registration
18 applications and actually move a voter. Last primary,
19 it was in the Democratic primary, there were two
20 candidates and one of the candidates started
21 reregistering voters into the district he was running
22 in. Hundreds of them, not just one or two. Hundreds,
23 and then proceeded to vote for them on election day, and
24 these people were coming down into the office yelling
25 and screaming someone has voted for me, why did you



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007470

TX_00205141

132

1 change my address on my voter registration card? And we
2 came to find out when we started preparing all the
3 signatures that this was all filled out by one person,
4 and he moved hundreds -- and we're still working on
5 cleaning that whole mess up -- hundreds of people out of
6 their current registration address to a place within his
7 district so he could vote those cards.

8 We also see cards come in, unfortunately,
9 from third party voter registration drives that -- and I
10 think the law has changed, but they still have
11 incentives for this, but where they were getting paid to
12 do voter registration, and these people will sit down
13 with phone books and just start filling out voter
14 registration cards and turning them in, and we can tell
15 because they're alphabetical when they come in with
16 them, you know, and they also actually list the person's
17 phone number, but if they will -- if their address is
18 not in the phone book, they will make the address up.
19 They will give them (inaudible) which ends up sometime
20 reregistering somebody in a different district or a
21 different precinct where when they show up on the
22 polling location that day, their name is not on the poll
23 book and they do not get to vote. These people are all
24 truly disenfranchised because their vote was stolen from
25 them, and it's not just one, two, it's hundreds, and



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007471

TX_00205142

133

1 it's happened several times.

2 Now, on the -- the citizenship issue, in
3 fact, I was just having lunch with someone out of our
4 county clerk's office and gave me some statistics, and
5 I'm going to have to repeat them by memory because I
6 don't have the things with me, but it was over in Harris
7 County over 10,000 this last year, jury summons that
8 they had received that were noncitizen. I wish I had
9 the email -- In fact, I'll forward it to you when I get
10 back to my office to all you all.

11 CHAIRMAN BERMAN: And where do you get
12 your pools from?

13 MR. JOHNSON: Our jury pool comes from a
14 combination of the voter roll and the Texas driver's
15 license.

16 CHAIRMAN BERMAN: Right.

17 MR. JOHNSON: That jury department does
18 give us those when their summons comes in, and it is
19 marked as being a noncitizen. They do turn them over to
20 the voter registration department as part of the law,
21 and we do try to validate if they are a registered voter
22 or not to then have to send them other documentation,
23 once again, questioning their citizenship status. We're
24 still following up making sure that they didn't misread
25 the jury summons when they marked it or something like



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007472

TX_00205143

134

1 that.

2 So -- but -- And what you referred to
3 earlier, Mr. Betancourt, actually my boss, in a couple
4 months time period, we just actually collected those
5 jury summons and had 35 of those people that were
6 noncitizens or a registered voter. On that same issue,
7 our Homeland Security -- I think it's the department of
8 ICE or I've lost names -- They changed the names so many
9 times lately, but I will tell you about at least one or
10 two, I guess, people trying to obtain their citizenship
11 come to our office with an affidavit from this
12 department, and they are asking for us to sign that they
13 have never registered, and I will tell you at least
14 75 percent of these people that come in that are trying
15 to obtain citizenship have registered and voted and the
16 -- This ICE department actually has a link to our
17 website where they're -- just before they're processed
18 for citizenship, they are checking to see if they are a
19 registered voter, and if they find their name that
20 matches the birthday come up, they have them come down
21 and fill out a statement saying that, you know, either
22 this is or isn't the person.

23 So I will tell you weekly we see people
24 coming in that had filled out a voter registration card,
25 and I will tell you half of them have histories of



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiredepositionsolutions.com

JA_007473

TX_00205144

135

1 someone voting that name, and sometimes it's actually
2 fraudulent voting. Someone will have registered.

3 CHAIRMAN BERMAN: Hey, let me -- let me
4 make this clear, if I can, so I fully understand what
5 you're saying. Are you telling this committee that
6 you've actually had noncitizens trying to register and
7 vote?

8 MR. JOHNSON: Yes.

9 CHAIRMAN BERMAN: Did you tell that
10 committee that?

11 MR. JOHNSON: Yes, I did.

12 CHAIRMAN BERMAN: Thank you very much.

13 MR. JOHNSON: Yes.

14 CHAIRMAN BERMAN: Any other questions
15 members?

16 MR. JOHNSON: Well, I have a -- a couple
17 of other --

18 CHAIRMAN BERMAN: All right. Let him
19 finish.

20 MR. JOHNSON: I have -- I'm sorry. I can
21 go (inaudible), but try two more stories.

22 CHAIRMAN BERMAN: All right.

23 MR. JOHNSON: One of them that also is
24 bothering to me in the list -- by these whole long list
25 of IDs that you can present to vote on election day and



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007474

TX_00205145

136

1 to register, one of them is actually a statement from a
2 government office, a letter, a canceled envelope from a
3 government office. So if you send me a voter
4 registration card and it's missing, the ID thing -- ID
5 statement, we will mail you back a letter saying that
6 you didn't qualify, and you can take that letter and
7 return it back to us as now proof of a government
8 document that you do live where you say you live, which
9 I think is kind of a big loophole in the system, and you
10 all really need to look at the list of certified
11 documents that you will accept as being a valid voter
12 registration card. That's probably all the good
13 stories. I have a lot more besides those.

14 CHAIRMAN BERMAN: Mr. Anchia?

15 REPRESENTATIVE ANCHIA: Thank you. And I
16 appreciate your testimony today. Give me your name
17 again, please?

18 MR. JOHNSON: It's Ed Johnson.

19 REPRESENTATIVE ANCHIA: Mr. Johnson, thank
20 you. And I know you are not testifying -- you are only
21 testifying as yourself and not as part of the tax
22 assessor/collectors.

23 MR. JOHNSON: Right.

24 REPRESENTATIVE ANCHIA: But -- But would
25 you as an individual have any sort of documentation from



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiredepositionsolutions.com

JA_007475

TX_00205146

137

1 the office that would suggest --

2 MR. JOHNSON: I do not have my birth
3 certificate or my --

4 REPRESENTATIVE ANCHIA: No, no, no.

5 MR. JOHNSON: -- or my --

6 REPRESENTATIVE ANCHIA: No, that was --

7 MR. JOHNSON: I'll go ahead and answer
8 those questions (inaudible).

9 REPRESENTATIVE ANCHIA: That was the next
10 question.

11 MR. JOHNSON: I need my voter registration
12 with me today. I'm in real trouble, you know.

13 REPRESENTATIVE ANCHIA: No. Mr. Johnson,
14 that was going to be the next question. The question
15 I'm asking now is did the -- has the office done a study
16 to document the hundreds of cases that you've testified
17 to today that we could have as a committee?

18 MR. JOHNSON: I'll have to check because,
19 actually, those cases were all turned over to the DA's
20 office, so the DA's office is still having an active
21 investigation of those records now, so --

22 REPRESENTATIVE ANCHIA: Have there been
23 any prosecutions from the DA's office; do you know? I'm
24 asking this of the witness who's actually up here. We
25 don't want to create a point of order on the bill by



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007476

TX_00205147

138

1 having someone else testify, so --

2 MR. JOHNSON: Yes. There have been a
3 couple of cases that I can think of.

4 REPRESENTATIVE ANCHIA: Okay. Okay.
5 How -- how do people -- How do you think that people who
6 are on the jury pools who are noncitizens get
7 registered? How does that happen?

8 MR. JOHNSON: The ones -- the -- Most of
9 them that I had seen investigated are done through
10 volunteer deputy drives, what I call third party, you
11 know, registration drives that have gone out into
12 community areas and registered.

13 REPRESENTATIVE ANCHIA: Have any people
14 have been prosecuted from those community drives? Have
15 you turned those over to the DA's office? Have you
16 complained to the Secretary of State about those drives,
17 and has anybody ever crossed you?

18 MR. JOHNSON: Well, it's not an offense of
19 the volunteer deputy that's actually collecting the
20 registration if the card is filled out completely.
21 Where the offense occurred is by the person that they
22 were a citizen when they signed the card.

23 REPRESENTATIVE ANCHIA: Correct. Have
24 there been any prosecutions of those individuals?

25 MR. JOHNSON: I do not know. We turned



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007477

TX_00205148

139

1 those cases over to the DA, but I do not call up and see
2 how, if they may have, prosecuted.

3 REPRESENTATIVE ANCHIA: Could you forward
4 a list of the different cases that you've turned over to
5 the DA to this committee?

6 MR. JOHNSON: With the DA's permission,
7 yes, I can.

8 REPRESENTATIVE ANCHIA: Because that would
9 be -- I mean, I imagine you've -- you have a list of
10 people who have done this. I think it would be very
11 interesting for this committee to see that. Do some
12 people get registered -- some noncitizens get registered
13 to vote through the Motor Voter Program, do you think?
14 Has that been your experience?

15 MR. JOHNSON: I've seen some cases where,
16 yes, some noncitizens have been registered through the
17 Motor Voter processing.

18 REPRESENTATIVE ANCHIA: And they end up in
19 jury pools?

20 MR. JOHNSON: Yes.

21 REPRESENTATIVE ANCHIA: And then -- And
22 then what do you do when -- when you find out citizens
23 in the jury pools, you go ahead and --

24 MR. JOHNSON: Our -- our -- Our act there
25 is when we get a jury notice and we find that they are a



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007478

TX_00205149

140

1 registered voter and they have said that they're not a
2 citizen, we send them a letter asking them if they are a
3 citizen and then to send us some proof that they are a
4 citizen so that we can keep the registration. If they
5 do not reply to that letter, then their voter
6 registration is purged.

7 REPRESENTATIVE ANCHIA: You purge them
8 from the rolls, correct?

9 MR. JOHNSON: Yes.

10 REPRESENTATIVE ANCHIA: Okay.

11 MR. JOHNSON: Well, cancel, not purge
12 them.

13 REPRESENTATIVE ANCHIA: Well, I'm sorry.
14 You cancel -- You cancel them from the rolls.

15 MR. JOHNSON: Yes.

16 REPRESENTATIVE ANCHIA: Okay. Okay.
17 Let's see. That's all I have for now. Just a request
18 if you could -- if you could -- Because you already
19 answered the other question I was going to ask that I'm
20 going to ask every witness and then thank you for
21 answering that.

22 MR. JOHNSON: I'm sorry.

23 REPRESENTATIVE ANCHIA: If you -- If you
24 could furnish the list of -- of -- of noncitizens who
25 have voted, that would be something I think very



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007479

TX_00205150

141

1 interesting to this committee, and the noncitizens who
2 have been registered or the hundreds of noncitizens that
3 have been registered to vote, I think that would also be
4 very interesting to this committee.

5 UNIDENTIFIED SPEAKER: Are you allowed to
6 forward names like that?

7 MR. JOHNSON: I'm going to have to talk to
8 the DA's office. I'm not really sure on the law what
9 their --

10 UNIDENTIFIED SPEAKER: If the names are
11 turned over to the district attorney, are you allowed to
12 send that name (inaudible) --

13 MR. JOHNSON: What we've been requesting
14 the forms and in that investigation, they will not
15 release the (inaudible).

16 UNIDENTIFIED SPEAKER: Mr. Anchia, you're
17 an attorney. You probably could --

18 REPRESENTATIVE ANCHIA: Sure. Absolutely.
19 That's public. I mean, that should be accessible
20 whether it's the subject of an investigation, the fact
21 that somebody would have voted who was a noncitizen,
22 that those would be public HCFA records subject to the
23 Public Information Act and certainly relevant to this
24 committee.

25 CHAIRMAN BERMAN: Mr. Bohac?



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007480

TX_00205151

142

1 REPRESENTATIVE BOHAC: Mr. Johnson, I have
2 a question for you. You said that you typically find
3 these voter registration schemes, for want of a better
4 word, typically perpetrated by third parties.

5 MR. JOHNSON: Correct.

6 REPRESENTATIVE BOHAC: Yeah. And are
7 there any third parties that are more egregious or is
8 there any third party that jumps out at you regarding
9 these type of more egregious voter registration drives
10 or is it just -- is it just all of them would?

11 MR. JOHNSON: There are some that are more
12 than others, and it's usually, you know, select
13 individuals within those groups. I will tell you we
14 started meeting in the -- in the Harris County tax
15 office this last election cycle, we started meeting with
16 these organizations, all of them, especially if we find
17 fraud, and they were doing a very good job of trying to
18 police their own agency to make sure that they were
19 trying to get valid, you know, applications turned in,
20 and I do know that they did let some volunteers go that
21 were not following the letter of the law.

22 REPRESENTATIVE BOHAC: Okay. Good. And
23 just for the for the record, Harris County, Texas Tax
24 Assessor Paul Betancourt did testify before the US House
25 Administration Committee, and he testified in person --



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007481

TX_00205152

143

1 I'm sure this was under oath. He said in 2005, he
2 identified at least 35 foreign nationals who either
3 applied for or received voter registration cards, and it
4 also goes on to say Mr. Betancourt told the committee
5 that a Brazilian woman registered -- had a registration
6 canceled, reregistered claiming to be a citizen and had
7 her registration canceled again. He also went on, while
8 registered, she voted at least four times in a general
9 and -- in general and primary elections and since 1992,
10 according to Paul Betancourt, his office has canceled
11 3,742 registered voters for non-citizenship. 683 of
12 those non-citizenship cancellations have occurred from
13 the year 2000 to the present.

14 So I know you are not here testifying on
15 behalf of the Harris County tax assessor/collector, but
16 if this document is correct and he -- you know, he
17 testified under oath, I think these would be very
18 interesting statistics that he has.

19 MR. JOHNSON: I have seen the document for
20 it. Yes, it is correct.

21 CHAIRMAN BERMAN: Mr. Johnson?

22 MR. JOHNSON: Can I -- Can I one more
23 time?

24 CHAIRMAN BERMAN: Sure. Go right ahead.

25 MR. JOHNSON: I will let one of my points



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007482

TX_00205153

144

1 out. You all were talking earlier about, you know, how
2 to tie them up about the proof of ID? On the new or
3 under the Help America Vote, when you fill out a voter
4 registration application, one of the first things that
5 that's on the ID part that's requested is to ask if you
6 have a Texas driver's license. You are supposed to list
7 that and then if you don't have a Texas driver's
8 license, you are supposed to list your Social Security
9 card. All these voter registration applications are
10 turned over to the Secretary of State now where they
11 match them with the Department of Public Safety's list.
12 If the Department of Public Safety had the list of
13 citizens and noncitizens, they could make that match on
14 the front end when a voter registration card actually
15 came in very easily without having to make any kind of
16 notation on a driver's license because that list is
17 bounced up against theirs before you are registered now.

18 CHAIRMAN BERMAN: Mr. Anchia?

19 REPRESENTATIVE ANCHIA: Yes. And just one
20 other question. Do you think it would be a good system
21 to have our -- and do you think it would accomplish the
22 goal that you want to accomplish to have our -- our
23 state database for state IDs and driver's license merged
24 with voter registration cards so that the person's
25 photograph appears on the voter registration card that



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007483

TX_00205154

145

1 is issued by the county? Do you think that would be a
2 good solution?

3 MR. JOHNSON: Yeah. I've actually studied
4 to see what the cost effect was, and I think that would
5 be an acceptable solution, but there is cost factor to
6 the county to do this. It would -- In Harris County if
7 we were to put a color photo on a birth certificate
8 card, these are just rough ballpark estimates for
9 printers, it would double the cost of our mailing. We
10 would go from 150,000 to 300,000 to produce those cards.

11 REPRESENTATIVE ANCHIA: Do you think that
12 cost is inordinate in order to protect the franchise?

13 MR. JOHNSON: No, it's not. It's -- It
14 would be another unfunded mandate, but, you know, if the
15 State could somehow come up with extra money to help
16 that, I guarantee you, you know, it would be a good
17 thing to do.

18 REPRESENTATIVE ANCHIA: And did you run
19 the cost for a noncolored photograph? That was just --

20 MR. JOHNSON: A noncolored photograph --

21 REPRESENTATIVE ANCHIA: -- that was just
22 ink jetted onto the -- onto the piece of --

23 MR. JOHNSON: Yes.

24 REPRESENTATIVE ANCHIA: -- paper?

25 MR. JOHNSON: That would -- I think that



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007484

TX_00205155

146

1 would increase it -- it was like 5 cents more per print
2 by -- would be about another \$100,000.

3 REPRESENTATIVE ANCHIA: Okay. 5 cents
4 more per card basically.

5 MR. JOHNSON: Yeah.

6 REPRESENTATIVE ANCHIA: Okay.

7 MR. JOHNSON: And color (inaudible) is
8 more (inaudible).

9 REPRESENTATIVE ANCHIA: Okay. Thanks.

10 CHAIRMAN BERMAN: But, Representative
11 Anchia, where would we get -- where would DPS get its
12 photograph from if our contention is that some people
13 don't have an ID card or don't have a driver's license?

14 REPRESENTATIVE ANCHIA: That's a great
15 question. One -- One of the things that -- that we
16 proposed when we debated this bill last time was to
17 merge -- merge the databases that we have -- wasn't
18 me -- to merge the databases and then also give people a
19 waiting period. Back when we were debating in 2005, we
20 suggested that this would take effect in 2008 so people
21 could go out and get the relevant documentation to do a
22 massive Secretary of State sort of education campaign
23 that this would be the requirement at some future date
24 and allow people to go through at least a biennial cycle
25 of elections so that they could receive information when



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007485

TX_00205156

147

1 they would go to vote, and the people who were concerned
2 about it are people who have been testifying -- or
3 excuse me -- voting for decades just with their voter
4 registration card, and we'd be unaware of this
5 requirement, and it would give them opportunity, for
6 example, to go to -- to take a photograph that could
7 then be sent to the -- to the Secretary of State's
8 office so they could then appear at no cost to them,
9 but, rather, on their voter registration card. That
10 might be a workable solution that we could discuss.

11 CHAIRMAN BERMAN: Or maybe, you know,
12 pushing out the -- Just to kind of think back on what
13 you were saying, what if we, you know, did the driver's
14 license or some type of valid ID and just push that out
15 a year or two so that we could give people ample
16 education that this was coming, that this was, you know,
17 something that was coming in future elections, so,
18 therefore, they had more than enough time to go out and
19 get a driver's license or an ID card so that they could
20 comply with the new Voter ID law?

21 REPRESENTATIVE ANCHIA: I think that's
22 worth discussion. That was an amendment to
23 Representative Denny's bill during the last session, and
24 I think you voted against my amendment, but I'm open to
25 discussing it again.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007486

TX_00205157

148

1 CHAIRMAN BERMAN: If I knew it would get
2 your -- If I knew you'd support the bill, maybe I would
3 go for it. Ed, thank you so much for hanging with us
4 all day, and we sure do appreciate it.

5 MR. JOHNSON: Thank you all.

6 CHAIRMAN BERMAN: The chair calls Lydia
7 Camarillo. Lydia, state your name and who you
8 represent.

9 MS. CAMARILLO: Gosh, I hope I'll remember
10 who I am.

11 CHAIRMAN BERMAN: It's been a long time.

12 MS. CAMARILLO: Good evening,
13 Mr. Chairman, members of the committee on elections. I
14 am Lydia Camarillo, vice-president for Southwest Voter
15 Registration Education Project, the largest and oldest
16 nonpartisan, nonprofit organization of its kind, with a
17 simple mission to increase the number of Latino and
18 other ethnic communities who are registered to vote and,
19 more importantly, who participate in America's democracy
20 at school and partners.

21 Founded in San Antonio, Texas by the late
22 William C. Velasquez, Southwest Voter has registered
23 over 2.3 million Latino voters throughout Texas, the
24 southwest, and since 2000, the southeast. Southwest
25 Voter has won over 80 voting rights lawsuits and has



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007487

TX_00205158

1 prepared over a hundred thousand leaders to organize
2 their communities. In the Supreme Court of the United
3 States versus Gonzalez, MALDEF challenges the Federal
4 court -- the Federal court on voter registration and
5 identification provisions of Arizona, Proposition 200.
6 Southwest voters is one of the plaintiffs in this case.

7 I am here to advise you of Southwest
8 Voters' strong opposition to HB 101, HB 218, and HB 626.
9 Southwest voters opposes these bills because they would
10 have a negative impact on the Latino voter registration
11 and potentially violate Federal election laws including
12 the Voting Rights Act, the National Voting Rights
13 Registration Act and the Help America Vote Act. These
14 bills will only serve to depress voter registration of
15 Latino, other ethnic communities and the poor.

16 For these reasons, Southwest Voters
17 opposes HB 101, HB 218 and HB 626 and urges your
18 opposition. Texas legislators must take affirmative
19 steps to promote the participation of American citizens
20 in voting and participating in America's democracy and
21 sure can in its wisdom oppose legislation that only
22 serves to confuse citizens, contradict Federal law,
23 create undue financial burden to -- to poor white,
24 Latino, African-American citizens who register to vote
25 and create undue burden to Texas counties. HB 101, HB



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

150

1 218, HB 626 are redundant bills requiring additional and
2 multiple identification for voters. SVREP believes that
3 Texas law provides for proof of identification, and
4 these bills will only recite confusion, create a more
5 burdensome voting experience for both voters and poll
6 workers.

7 Texas law requires that voter registration
8 applicants must affirmatively mark the United States
9 citizenship under penalty of perjury and submits their
10 application, which is an affidavit, either in person or
11 by a business replied postcard. Election Section Code
12 13.102 states that. In our extensive experience in
13 registering voters over the last 32 years, it is rare
14 for a voter to have their naturalization passport or
15 birth certificate on hand when a voter registration --
16 when they register to -- to vote. Many eligible United
17 States citizens have trouble accessing those documents
18 at all, including senior citizens that have lost or
19 their documents damaged over time. Any extra steps in
20 the registration process will only serve to needlessly
21 disenfranchise voters.

22 Once the voter is registered, the voter
23 should be able to vote and uphold with either a voter
24 registration card or a range of (inaudible) -- there
25 goes my accent -- range of identification documents.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007489

TX_00205160

151

1 Election code 63.0101 so states. The range of
2 identification is meant to be broad, that includes a
3 person's utility bill, a bank statement, because
4 different voters have access to different documents. A
5 voter that has had his or her wallet stolen, a voter
6 that does not drive or a newlywed who just got married
7 might not have a new license or has not updated their
8 license should not be prohibited from voting.

9 Southwest Voters' analysis of HB 101, HB
10 218 and HB 626 clearly reveals that these bills would
11 only contradict the spirit of the author's intent, which
12 we believe is to ensure that voter's rights are
13 protected, facilitate the voting process and increase
14 the universe of eligible voters who are voting and
15 participating in America's democracy. The intent of
16 these bills could only be to decrease the number of
17 American citizens who would take the opportunity to vote
18 in Texas elections, and it would be harmful to Latino
19 voters.

20 Mr. Chairman and committee members, we
21 urge you not to support these bills. They would only
22 suppress Latino, African-American and poor white voters'
23 registration and contradict Federal election laws.
24 Thank you so much.

25 CHAIRMAN BERMAN: Questions, members?



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007490

TX_00205161

152

1 Thank you very much.

2 MS. CAMARILLO: Questions?

3 REPRESENTATIVE BURNAM: Yes, please. Ms.
4 Camarillo, in reading your testimony, there's a line
5 here that says these bills will only serve to depress
6 voter registration of Latino or ethnicities and the
7 poor. Would you elaborate on that?

8 MS. CAMARILLO: Yes. We have seen already
9 through Arizona -- and as I stated, we are plaintiffs on
10 the case that -- If I fail to say something right, my
11 lawyer is right here. We have seen that in fact voters
12 are asked to provide additional ID and information that
13 then not allowing them to vote. We saw that not only
14 with the Native Americans, but a lot of Latinos might
15 not have with them the information, and the IDs that are
16 required after they were again registered to vote. This
17 goes also for individuals, and I don't know if that's
18 what you are thinking in this particular bill for
19 Arizona individuals who had already registered, but
20 might have moved and have to reregister. So during the
21 first time that they provided the information, now
22 they're required to provide additional information.

23 REPRESENTATIVE BURNAM: Thank you.

24 Further in your testimony you say that these bills will
25 only create confusion, create a more burdensome voting



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007491

TX_00205162

153

1 experience for both the voters and the poll workers.

2 Would you care to elaborate on that for me?

3 MS. CAMARILLO: Well, it's our experience
4 first from the poll workers' side that they have a lot
5 of discretion, and so to be very frank with you, it
6 seems to me that when a Latino shows up to vote, they
7 automatically assume that a Latino is not necessarily an
8 American citizen, and as I stated, it's our experience
9 over the last 32 years when a Latino's registered to
10 vote, they are signing an affidavit and they understand,
11 first of all, that it's perjury if they lie, that it's a
12 Federal offense, and most of them if they were truly
13 undocumented, which is the whole argument that we were
14 discussing before -- before these bills, is that they're
15 not interested in being discovered as being
16 undocumented. So they wouldn't in any way, shape or
17 form be registering unless they're American citizens,
18 first of all.

19 REPRESENTATIVE BURNAM: So are you
20 suggesting that the undocumented worker has a clear and
21 obvious vested self-interest in not bringing attention
22 to it that the legal system --

23 MS. CAMARILLO: That is correct. That's
24 our experience.

25 REPRESENTATIVE BURNAM: That's an



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007492

TX_00205163

1 interesting thought.

2 MS. CAMARILLO: It's a very important
3 point because we're talking about protecting the right
4 of all citizens. We're talking about the right of
5 Latino citizens having the right to vote, and we're also
6 discussing in this bill implicitly and not that it's
7 fraudulent undocumented folks who might be the ones
8 registering to vote. I assure you they are not
9 interested in coming before the light because they're
10 working hard to stay underground.

11 REPRESENTATIVE BURNAM: Thank you. In the
12 last paragraph you say -- you are referring to three
13 bills would only suppress Latino, African-American, poor
14 white voter registration and contradict Federal election
15 laws. Would you remind us how many times -- since
16 you've been in your organization how many you've been
17 involved in litigation trying to defend voter rights?

18 MS. CAMARILLO: Eight. That's as we are
19 our lawyers and then several times as plaintiffs.

20 REPRESENTATIVE BURNAM: Thank you.

21 CHAIRMAN BERMAN: What did you think of
22 the information presented by the gentleman from Harris
23 County? We talked about the tax assessor/collector and
24 the number of individuals who were found to be
25 undocumented on jury duty, not US citizens -- perhaps



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

155

1 not undocumented, but not US citizens, yeah.

2 MS. CAMARILLO: Well, that's the point. I
3 don't know if -- First of all, I must apologize. I have
4 to step out. I have a 7-year old who's being watched by
5 my 16-year old.

6 CHAIRMAN BERMAN: All right. You don't
7 have to answer that question.

8 MS. CAMARILLO: So I'm not sure I heard
9 the whole testimony, but -- but I think that the
10 point -- there's two points that I heard over the
11 testimony of various folks, which is we are called to
12 serve on jury duty if we are -- if we have our driver's
13 license or if we are registered to vote. When you're
14 called to jury duty, I don't know -- I don't remember
15 whether the law states or not that we must be citizens.
16 The whole point about extending the poll to jury duty so
17 that lawyers, depending on which side of the fence
18 they're defending, they have a right to have diversified
19 jury individuals. So that I don't think is really an
20 issue for us, and if someone's breaking the law, well,
21 then that's up to you to decide how you want to handle
22 it.

23 For us at Southwest Voter, it's our
24 responsibility to make sure that every voter has a right
25 to vote if he or she decides to vote because it is -- it



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007494

TX_00205165

156

1 is a privilege and a right, but not anyone is exercising
2 their right.

3 Second, we believe that if you register to
4 vote, you must have your vote counted if you vote, and
5 we saw in Florida there were over a million voters whose
6 vote was not counted, yet they voted.

7 REPRESENTATIVE BURNAM: So are you
8 suggesting that the real problem was not about voter
9 impersonation, but, rather, in fraud and in the
10 management of the elections themselves?

11 MS. CAMARILLO: There's lots of weaknesses
12 in our system. I don't have -- And I haven't seen any
13 real evidence of anymore than a few folks who have been
14 fraudulent in saying that they have the right to vote
15 when they don't have the right to vote. They're not
16 citizens, and we have seen that over the last 10 years
17 at best 50 or so certainly in the State of Texas. I
18 haven't seen not many more of that, but I think -- I
19 think the real question is if we're serious and honest
20 about democracy working its best, that we cannot create
21 anymore barriers to allow folks to have a right to
22 register to then vote, and your proposals -- your bills
23 are going to create -- there's my son probably saying
24 where are you mom? Sorry. It's probably going to
25 create barriers for individuals to participate in this



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007495

TX_00205166

157

1 process, and any time you delay someone's right to vote
2 either by outright bills in this case that are being
3 redundant -- by redundant, I mean, the law already is
4 asking us to provide ID and information. Why are we
5 doing it again?

6 CHAIRMAN BERMAN: Just one final question.
7 Do you believe that you should prove your US citizenship
8 at the time of registration?

9 MS. CAMARILLO: You know, that is a
10 question I'm not ready to go through because I'm not
11 ready to compromise on this issue. I'm opposing these
12 three bills, and I urge you to oppose these bills.

13 CHAIRMAN BERMAN: I think it's a very
14 important question. Do you or do you not believe that
15 you should show proof of your US citizenship when you
16 register to vote?

17 MS. CAMARILLO: When I went to get my
18 driver's license, I was required to provide a birth
19 certificate, therefore, I was able to identify myself as
20 an American citizen. When I signed my voter
21 registration, which I'm a perfect voter in Texas, I
22 clearly indicated by signing an affidavit that I was an
23 American citizen prepared to vote and was willing to
24 vote and always vote.

25 CHAIRMAN BERMAN: Did you show a driver's



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007496

TX_00205167

158

1 license then?

2 MS. CAMARILLO: No. It doesn't require
3 that. The law clearly states -- by -- by the way, you
4 all passed it -- says that all I have to do is sign
5 under perjury of law that I'm an American citizen,
6 which, by the way, when I do go vote, on occasion I
7 forget my famous little card because I too could not
8 find it, I will have to produce my driver's license and
9 my driver's license in order for me to produce a
10 driver's license and to have one accessible to me, I had
11 to produce a birth certificate.

12 CHAIRMAN BERMAN: Thank you very much.

13 MS. CAMARILLO: Thank you.

14 CHAIRMAN BERMAN: The chair calls Suzy
15 Woodford in opposition on all three. Okay. Thank you,
16 Suzy. The chair calls Mary Finch.

17 REPRESENTATIVE BURNAM: She submitted
18 legal testimony for the League of Women Voters.

19 CHAIRMAN BERMAN: Okay. And she is
20 against all three bills.

21 UNIDENTIFIED SPEAKER: Would you repeat
22 that, Mr. Chairman? The representative for the State
23 League of Women Voters is against all three bills?

24 CHAIRMAN BERMAN: That's correct.

25 UNIDENTIFIED SPEAKER: Thank you.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007497

TX_00205168

159

1 CHAIRMAN BERMAN: M-hm. Okay. The chair
2 calls Teri Sperry? Teri, are you here? Oh, there you
3 are.

4 MS. SPERRY: Thank you, Mr. Chairman. I'm
5 Teri Sperry speaking on behalf of The True Courage
6 Action Network, a nonprofit, nonpartisan group. From
7 our perspective, the present problem today in American
8 democracy and particularly in Texas is not noncitizens
9 clamoring to vote and finding devious ways to do so,
10 but, rather, that millions of qualified citizens fail to
11 vote. We agree with the many speakers today who would
12 call voting a right and a privilege. We would go even
13 farther and call it a responsibility. I personally have
14 been involved in numerous grassroots voter registration
15 drives, and we look for every opportunity to encourage
16 people to register to vote. We often use a friendly
17 peer pressure approach and a no excuses policy. So you
18 don't have your driver's license, but that's okay? Do
19 you know the last four digits of your Social Security
20 number? And can you sign and affirm that you're an
21 American citizen? That's enough.

22 We believe in giving people the benefit of
23 the doubt. We have so many people come up and thank us
24 at these grassroots voter registration events for giving
25 them the opportunity because they admit they



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007498

TX_00205169

160

1 procrastinate. People procrastinate. People are lazy.
2 People are tuned out until the last minute. And so they
3 put off registering to vote or changing their
4 registration after they've moved in the same way that
5 they might put off making that appointment for the
6 dentist that they -- they know is the right thing to do.
7 And so sometimes seeing the voter registration table at
8 a public event or outside their grocery store, at the
9 4th of July event in their neighborhood, makes the
10 difference between them voting and not voting. And,
11 again, people are often grateful that that little
12 reminder, that little bit of peer pressure, made them do
13 what they know is their responsibility.

14 So, again, we do believe in giving people
15 the benefit of the doubt and not letting a small
16 insignificant number of people who may abuse the system
17 make it harder for the rest of Americans to take
18 advantage of the system in a positive way.

19 CHAIRMAN BERMAN: Thank you very much.
20 Members? Thank you for your testimony. Thank you for
21 being with us all day. The chair calls Joy Arthur?
22 Joy, are you here? She registered votes against all
23 three bills, People For The American Way. Chair calls
24 Tim Morstad. Tim Morstad with AARP? Against all three
25 bills. The chair calls Laurie Vanhooose representing



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007499

TX_00205170

161

1 Advocacy, Incorporated?

2 MS. VANHOOSE: Thank you. My name is
3 Laurie Vanhooose. I'm the Help America Vote Act
4 specialist at Advocacy, Incorporated, and we are
5 Federally mandated under the Help America Vote Act to
6 ensure the voting rights of the 4.6 million people with
7 disabilities in Texas.

8 When HAVA was debated in Congress, the
9 number one contentious --

10 REPRESENTATIVE BURNAM: Before you get
11 going, Laurie, the 4.6 million that you represent in
12 Texas, how many of them don't have driver's license? Do
13 you have any idea?

14 MS. VANHOOSE: I don't have that number,
15 and I wish I did because I --

16 REPRESENTATIVE BURNAM: You can understand
17 why I'm asking.

18 MS. VANHOOSE: -- because I speak with a
19 lot of them -- Yes. We speak with a lot of them who are
20 concerned about this because they don't -- and I'm going
21 to definitely get into that issue.

22 When Congress was debating the Help
23 America Vote Act, the number one most controversial
24 provision was identification requirements, basically,
25 because the authors of this bill saw identification



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007500

TX_00205171

162

1 requirements as an avenue to disenfranchise minority
2 voters, disability -- people with disabilities.

3 CHAIRMAN BERMAN: I'm sorry. Who saw that
4 as an avenue to disenfranchise them?

5 MS. VANHOOSE: If you look at the record,
6 as the debate for the Help America Vote Act, the authors
7 and several other people who supported this bill, there
8 was a -- there's a lot of debate around what specific
9 identification requirements we need to ensure people's
10 identity, but not to disenfranchise them. And that's
11 how they came up with a comprehensive list under HAVA,
12 which is what we have now currently in Texas. Also,
13 what they found was that to reduce the pretense for
14 election fraud, what we need to do is implement the
15 state-wide database and that's what we have done in
16 Texas.

17 What this database does is it integrates
18 local lists so that duplicates can be easily removed
19 from a database from the voter rolls. It also
20 coordinates records with other state agencies. They
21 take Social Security numbers and match them with the
22 Social Security Administration. They take driver's
23 license numbers and verify that with Department of Motor
24 Vehicles, and they also get death records. So what this
25 does is ensures that the voter risks are correct.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiredepositionsolutions.com

JA_007501

TX_00205172

163

1 There's also lots of -- Every single
2 report out there talking about election fraud states --
3 and I can forward those to your offices -- state that
4 the way to defer election fraud is through this
5 database, and I think tonight we've heard a lot of
6 testimony that's showing that the database in Texas is
7 working. As a matter of fact, Representative King had a
8 statement of the numbers of people that had been taken
9 off the list because they have found to be registered
10 illegally. That shows that we have processes in place
11 that are working.

12 We've also had several other people
13 testify as to people registering illegally, are trying
14 to vote illegally, and then being caught because of
15 processes that are put in place and that is specifically
16 why HAVA put these provisions in place.

17 Also, on January 1, 2006, your Secretary
18 of State, Roger Williams, at his kick-off of the Voter
19 Education Program, and I'm quoting him now, said that
20 "Perhaps sometimes in the past, lists of this type" --
21 referring to voter registration lists -- "have been
22 relatively easy targets for those seeking to commit
23 voting fraud by using the names of duplicate, fictional
24 invalid or deceased voters. We now have a new
25 state-wide voter database that significantly reduces



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007502

TX_00205173

164

1 such opportunities and provides us the ability to
2 maintain secure, accurate and up-to-date information on
3 all voters in the State of Texas." Also --

4 CHAIRMAN BERMAN: Just one second.

5 REPRESENTATIVE ANCHIA: Laurie, I'm a
6 little bit disturbed by this. Didn't we just hear
7 testimony from the gentleman before who was referring to
8 hundreds of cases of people who may have been registered
9 who were noncitizens and who may have voted in the past,
10 but you are telling me we have a system to deal with
11 that? As of when?

12 MS. VANHOOSE: January 1st, 2006 --

13 REPRESENTATIVE ANCHIA: Okay.

14 MS. VANHOOSE: -- was the Federal
15 deadline. I think ours got pushed back a couple of
16 months.

17 REPRESENTATIVE ANCHIA: So if there were
18 cases in the past that where people had been noncitizens
19 and voted, whether they have registered a motor voter or
20 some other way, we have a system in place to deal with
21 that now?

22 MS. VANHOOSE: Yes. That was -- that
23 was -- The whole part of HAVA was that these voter lists
24 are wrong and not to point that people are voting
25 fraudulently, but people are not being allowed to vote,



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquireolutions.com

JA_007503

TX_00205174

165

1 so let's get these lists accurate as they can be.

2 REPRESENTATIVE ANCHIA: And what happens
3 if -- if I registered in -- in Motor Voter and I'm a
4 noncitizen? Let's say I'm a legal permanent resident,
5 so I'm eligible to get a driver's license, and I
6 register to vote, make a mistake, I don't speak the
7 language right, whatever. What happens to my voter
8 registration at that point?

9 MS. VANHOOSE: You'll have to -- I want to
10 tell you to verify this with the Secretary of State, and
11 we have Ann in here --

12 REPRESENTATIVE ANCHIA: Yeah.

13 MS. VANHOOSE: -- but it's my
14 understanding in the implementation of HAVA and the
15 state-wide database is that that database is supposed to
16 interact with other databases to verify you have the
17 correct address, they have the correct Social Security
18 number. That was the intention of it is to make sure
19 there aren't duplicates on lists, and I know at the
20 county level, at the state level, this database that's
21 being used to check duplicates to make sure the lists
22 are accurate.

23 And specifically regarding citizenship,
24 you'll have to ask Ann about that, but that's the whole
25 point of the database, and in my understanding, that was



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007504

TX_00205175

166

1 the reason -- if you look at the record in HAVA -- I was
2 in DC. I worked for a national organization when HAVA
3 was being debated, and the major reason of having this
4 database is to verify that the voter lists are accurate.

5 REPRESENTATIVE ANCHIA: Thank you.

6 CHAIRMAN BERMAN: Well, isn't it possible
7 though for someone to vote with somebody else's voter
8 registration card? They could steal it. They can find
9 it. They can collect a number of voter registration
10 cards in -- you know, from a senior citizen's home and
11 go use them to vote? There's no way to show that
12 they're not the person who's on the card, is there?

13 MS. VANHOOSE: I guess it's possible, but
14 where is the evidence of this is happening? And I'm
15 going to get into that. We don't have evidence of this
16 happening, and -- and you get your registration card,
17 what is it, every two years? I don't know. I just
18 don't see evidence of this happening, and we haven't
19 seen evidence of it happening in -- any widespread
20 evidence and -- that would change election results
21 anywhere in the country, and I'm going to get into that
22 in just a second as well.

23 REPRESENTATIVE BURNAM: Can I ask a
24 question before she does?

25 CHAIRMAN BERMAN: Yes.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007505

TX_00205176

167

1 REPRESENTATIVE BURNAM: So far I'm getting
2 the thrust of your legislation is the three bills that
3 are before us are trying to address a problem that was
4 solved January 1st, '06.

5 MS. VANHOOSE: Yes.

6 UNIDENTIFIED SPEAKER: Okay. Thank you.

7 MS. VANHOOSE: Yes. Actually, you know
8 what? I'll go ahead and jump to that. Real quick
9 (inaudible) once I was going to give you, you asked
10 about who doesn't have access to that or how many people
11 in Texas with disabilities don't have access to a
12 driver's license. We don't have that specific number.
13 But the Brennan Center at NYU Law School did a survey of
14 the 2006 election, and what they found based on the 2005
15 census estimates and answers that they got from their
16 survey was that about 18 percent of elderly and disabled
17 do not have government issued photo identification.

18 CHAIRMAN BERMAN: And how much of that 18
19 -- how many of those 18 percent would -- would actually
20 go to the polls and vote?

21 MS. VANHOOSE: Well, that is the whole
22 point of the Help America Vote Act is to ensure
23 accessibility. We've given so much money to the states
24 to make sure that voting places are accessible at their
25 voting equipment. This statement that I read to you by



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007506

TX_00205177

168

1 Roger Williams was a statement that he made an education
2 effort to make sure -- based on money from HAVA to make
3 sure people go out and vote. That's the whole issue is
4 that these people have been disenfranchised.

5 CHAIRMAN BERMAN: I realize that's a whole
6 issue. I don't think they've been disenfranchised.
7 Give me a break here.

8 MS. VANHOOSE: No. There's a long history
9 of people with disabilities being disenfranchised.

10 CHAIRMAN BERMAN: Well, I understand that.
11 I understand that, but look at the voting record of
12 Texans in the last -- in the 2006 election. What
13 percentage of Texans actually voted in the 2006
14 election?

15 MS. VANHOOSE: I think that's the whole
16 point is to increase that participation and people with
17 disabilities.

18 CHAIRMAN BERMAN: No matter how hard we're
19 trying, you just can't seem to increase them, can we?

20 MS. VANHOOSE: But I don't think this
21 would increase it by any means. I think it would reduce
22 it, actually. I think the Arizona statistics have shown
23 that in Arizona, it did reduce voter participation, and,
24 actually, traditionally people with disabilities have
25 stopped going to polls because they are not accessible.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007507

TX_00205178

169

1 They're fed up of going and not being able to vote.

2 It's a long process.

3 CHAIRMAN BERMAN: Well, accessibility is a
4 whole different (inaudible).

5 MS. VANHOOSE: But this is accessibility
6 as well because if you do not have documentation, you do
7 not have access to vote, documentation of people with
8 disabilities and accessibility issues.

9 CHAIRMAN BERMAN: Do your people with
10 disabilities visit doctors?

11 MS. VANHOOSE: Yes.

12 CHAIRMAN BERMAN: Do they visit rehab
13 centers?

14 MS. VANHOOSE: Yes.

15 CHAIRMAN BERMAN: Do they have any kind of
16 identification to show like insurance cards or anything
17 else? Are you telling me there are no documents that
18 they have with your name on it, with their address on
19 it?

20 MS. VANHOOSE: There are, but that's the
21 issue is whether -- what's in place right now in Texas.
22 When you go vote, a lot of these people with
23 disabilities are taking utility bills. That's it. They
24 didn't take the three other forms of identification they
25 needed. They take one form that they've been voting



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007508

TX_00205179

170

1 with historically.

2 CHAIRMAN BERMAN: All right.

3 MS. VANHOOSE: And that is -- that is
4 currently in state law, and is under HAVA, HAVA says
5 what is needed to verify identity and to also keep
6 disenfranchisement down.

7 REPRESENTATIVE BURNAM: Before you
8 proceed --

9 MS. VANHOOSE: Yes.

10 REPRESENTATIVE BURNAM: -- getting back to
11 that 18 percent of the population, you kind of moved
12 over into what I think might have been Tim's testimony
13 representing AARP.

14 MS. VANHOOSE: Right.

15 REPRESENTATIVE BURNAM: These two groups,
16 obviously, the disabled community being represented,
17 plus a senior citizen population that may have less and
18 less mobility --

19 MS. VANHOOSE: Right.

20 REPRESENTATIVE BURNAM: -- are the very
21 ones that would be most burdened by this legislation.

22 MS. VANHOOSE: Right. From what I've seen
23 in the community and the people I work with -- And we do
24 represent a lot of the elderly community as well because
25 a lot of them do have disabilities. What I've seen is,



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007509

TX_00205180

171

1 yes, stats from other states just talking with our
2 clients, that, yes, this will be heavily burden -- have
3 a heavy burden on be them.

4 REPRESENTATIVE BURNAM: And it's your
5 testimony that 18 percent of the eligible voters don't
6 have any type of state ID.

7 MS. VANHOOSE: It was 18 percent of
8 individuals with disabilities and the elderly community
9 and that's an NYU Justice of Law or NYU School of Law
10 survey, and I can bring that to you tomorrow.

11 REPRESENTATIVE BURNAM: So this bill is
12 talking about -- or these bills are talking about making
13 it harder for 18 percent of the population to access the
14 opportunity to vote.

15 MS. VANHOOSE: That is correct.

16 REPRESENTATIVE BURNAM: Thank you.

17 MS. VANHOOSE: Also, they said that at
18 least 15 percent of voting age American citizens earn
19 less than \$25,000 a year do not have valid government
20 issued photo ID, and I will bring those reports to you
21 tomorrow.

22 CHAIRMAN BERMAN: Laurie, how long have
23 you been in your current job?

24 MS. VANHOOSE: I have been -- I was with
25 our national office, the National Disability Rights



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiredepositionsolutions.com

JA_007510

TX_00205181

172

1 Network in DC in 2000.

2 CHAIRMAN BERMAN: How long have you been
3 here now?

4 MS. VANHOOSE: In here -- I've been here
5 three years.

6 CHAIRMAN BERMAN: Three years. Thank you.

7 MS. VANHOOSE: Okay. The other issue is
8 just access to -- I understand that this bill would
9 allow for identification, I think, anything (inaudible)
10 regarding this that has to be in there. The issue
11 though is -- and we saw this in Georgia -- is that
12 transportation and accessing those places to obtain
13 identification is a big issue, especially in rural
14 communities that do not have public transportation. So
15 the majority of people that don't have a driver's
16 license, can't drive, are going to need some way to
17 access these places to obtain identification.

18 REPRESENTATIVE BURNAM: And in that point
19 you're talking about, in my community, it would be
20 arranging permits and there's a charge for that use.

21 MS. VAN HOOSSEN: Right.

22 REPRESENTATIVE BURNAM: So when
23 considering whether or not this would be
24 unconstitutional, this legislation, you in fact are in
25 effect imposing a poll tax on the disability community



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007511

TX_00205182

173

1 because they may be homebound. They may never leave
2 different -- people with different types of disability.
3 But even then in a place such as Tarrant County where
4 less than half of the population has access to public
5 transportation because of previous bad public policy
6 decisions, you are going to have whole other universe of
7 people that can't even theoretically use public
8 transportation to get to the opportunity to get their
9 pictures taken, to show the burden of proof.

10 CHAIRMAN BERMAN: Isn't transportation
11 available for the disabled to get to their doctors?

12 MS. VANHOOSE: Yeah, but that -- that goes
13 through different agencies that won't necessarily take
14 somebody to get identification, who won't take someone
15 to go to the polls. Transportation is the number one
16 issue across the board, whether it comes to every single
17 area of accessing services to people with disabilities,
18 especially in Texas, the size of a state or ability of
19 rural communities, so --

20 REPRESENTATIVE BURNAM: They have limited
21 public transportation.

22 MS. VANHOOSE: Yeah. Furthermore, another
23 issue is in order to get this free ID, I'd have to show
24 a birth certificate, another material that proves my
25 identity, which requires time, money and effort, and I



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007512

TX_00205183

174

1 think there should be an effort made definitely. I'm
2 not saying you don't have to make an effort to vote, but
3 the issue is with the time constraints with having
4 five days to prove your identity, I don't know -- if
5 someone casts an official ballot and lived in a rural
6 area and did not have access to this documentation and
7 had to go through avenues to access this, that's not
8 enough time frame for them to return that information
9 back to county.

10 Another issue is that our agency has
11 required a national voter registration Motor Voter Act
12 and HAVA to help people register to vote, basically,
13 because when they pass a National Voter Registration
14 Act, they were appalled by the number of people with
15 disabilities who are not registered to vote. So when
16 they pass that law, they charge us with helping people
17 with disabilities to register to vote. My clients don't
18 come to my office with the three forms of citizenship --
19 proof of citizenship that is requested in some of these
20 bills, and accessing them and going through the process
21 of getting that is going to be very burdensome.

22 Finally, let me close on the main point.
23 The main point is that there is no widespread evidence
24 of election fraud in the context of a voter
25 impersonating another voter. Actually, the Election



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007513

TX_00205184

175

1 Assistance Commission had bipartisan consultants come in
2 and do some studies, and they reported with widespread
3 agreement that very little evidence exists of voter
4 impersonation at the polls. There have been several
5 regional reports. In Ohio, there's a state-wide survey
6 that found four instances of an eligible person's
7 voting -- attempting to vote in 2002 and in 2004. That
8 was out of 9,079,728 votes cast. That's .000004 percent
9 of people voting.

10 Also, in Georgia, you have your Secretary
11 of State who has been an election official for more than
12 10 years stated that she could not recall one documented
13 case of voter fraud relating to impersonation of a
14 registered voter at the polls. And, also, I'll refer
15 to -- I handed out a document which is a public
16 information request that was submitted to the Attorney
17 General's Office by Common Cause, and what that is is
18 it's information on all of the claims related to voter
19 fraud in Texas because, as I'm sure you all know, the AG
20 of Texas created a special unit in his office to
21 investigate voter fraud.

22 And in that document you'll see as of
23 January 6 -- or January 10, 2006 they spent \$1,541,848
24 on investigation of voter fraud, and I think it was 13
25 or 14 -- I'm not for sure it's on the record as saying



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007514

TX_00205185

176

1 it was 13 or 14 -- individuals were found out of the
2 4 million votes that were cast of voting illegally, but
3 it was not impersonating another individual at the poll
4 and that's actually .001 percent -- the 40 ballots that
5 are in question is .001 percent voters in Texas.

6 (End of Audio Transcription)
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007515

TX_00205186

177

1 IN THE COUNTY OF TRAVIS)

)

2 STATE OF TEXAS)

3
4
5 I, JEAN THOMAS FRAUNHOFER, Certified Shorthand
6 Reporter in and for the State of Texas, hereby certify
7 to the following:

8 That the Audio from the February 28, 2007, Texas
9 House of Representatives Committee on Elections, 1:18:28
10 to 4:36:31, was transcribed at the request of Anne
11 Wilson, 209 West 14th Street, Attorney General's Office,
12 Austin, Texas, 78701, and the amount due is
13 \$_____.

14 That the aforementioned Audio was transcribed to the
15 best of my ability to hear and understand the Audio;

16 That the transcript was submitted by E-TRANS on
17 April 30, 2012, to Anne Wilson, 209 West 14th Street,
18 Attorney General's Office, Austin, Texas, 78701;

19 I further certify that I am neither counsel for,
20 related to, nor employed by any of the parties or
21 attorneys in the action in which this proceeding was
22 taken, and, further, that I am not financially or
23 otherwise interested in the outcome of the action.
24
25



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007516

TX_00205187

178

1 Certified to by me, this 30th day of April, 2012.

2
3 *Jean Thomas Fraunhofer*



4 JEAN THOMAS FRAUNHOFER, Texas CSR NO. 7990

5 Expiration Date 12/31/12

6 FIRM REGISTRATION NO: 283

7 ESQUIRE DEPOSITION SERVICES

8 100 Congress, Suite 2000

9 Austin, Texas 78701

10 (512) 328-5557



11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007517

TX_00205188

A	141:18	accurate	adamant	142:25
AARP	absurd	61:21 164:2	85:5	162:22
160:24	22:19	165:1,22	add	administr...
170:13	abuse	166:4	33:24 34:13	45:6
ABA	160:16	accustomed	44:15,16	administr...
62:20	accent	41:15,19	76:11,19	9:21,23 11:5
ability	150:25	acknowledges	97:21	administr...
2:10,12 3:9	accept	35:10	119:17	61:8
5:4,19 6:3	136:11	ACLU	adding	admit
6:4 7:12	acceptable	50:20	28:15 104:13	59:10 159:25
10:3,8 11:2	69:3 94:1	acquire	129:15	adult
23:4 52:8	96:17 99:24	98:21 99:8,9	addition	37:24
81:24 88:20	145:5	113:10	45:1,18	advanced
88:21 116:2	accepted	115:17	additional	14:20
125:2 127:9	57:13 78:21	117:7 127:4	11:1 36:4	advantage
129:17	access	127:13	38:1 42:19	41:11 160:18
164:1	6:4,18 22:7	acquired	99:12	advise
173:18	93:15 96:21	80:22	102:11,25	149:7
177:15	96:22,23	acquiring	115:21	Advocacy
able	97:3 117:14	59:18 127:7	150:1	161:1,4
2:14 6:10,13	151:4	act	152:12,22	affect
14:12 21:18	167:10,11	67:3 69:11	Additionally	3:1,6,9
22:20 24:13	169:7	71:16 79:24	67:12	104:23,24
26:15 27:12	171:13	110:21	address	116:2
27:20 39:6	172:8,17	121:2,5,11	4:7,10,14,15	119:18
43:4,8 61:4	173:4 174:6	121:13,24	4:17,19,20	affidavit
72:10 96:24	174:7	124:4	12:9 34:6	57:10 77:16
109:24	accessibi...	139:24	90:6 99:3	134:11
115:2,5	112:8 167:23	141:23	99:17,20	150:10
128:6	169:3,5,8	149:12,13	115:16	153:10
150:23	accessible	149:13	122:25	157:22
157:19	141:19	161:3,5,23	123:4 132:1	affiliated
169:1	158:10	162:6	132:6,17,18	49:16
absence	167:24	167:22	165:17	affirm
4:6	168:25	174:11,14	167:3	159:20
Absolute	accessing	action	169:18	affirmation
123:11	150:17	8:25 159:6	addressed	11:23 12:2,7
absolutely	172:12	177:21,23	3:16 15:9	20:24
10:24 13:20	173:17	active	31:6	affirmative
22:15,19	174:20	83:5 120:23	addresses	149:18
46:3 64:4	accommodate	137:20	58:3 104:25	affirmati...
82:1 90:8	40:1	activities	addressing	150:8
90:14 92:20	accomplish	120:23	8:6 44:8	aflutter
93:3 98:8	144:21,22	123:19	adds	39:4
104:8 116:4	accounts	Acts	35:13 57:11	AFL-CIO
120:9,15	44:23 45:2	110:22	Administr...	49:14,16
125:15	accuracy	actual	5:23 10:7	aforement...
128:22	13:21 20:19	109:15	65:11	



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA_007518

TX_00205189

177:14	137:7	147:22,24	5:25 6:1,14	106:20
African-A...	139:23	amendments	7:4,7,10,20	107:5,10,13
122:2 125:5	143:24	78:21	12:24 16:4	117:25
125:10	167:8	America	16:5,10,17	122:4,5,12
149:24	airplane	57:14 84:16	16:21 17:16	122:15,18
151:22	67:23	121:24	17:22 18:6	122:21
154:13	Alabama	125:11	18:9,13,19	127:19,20
African-A...	68:23	144:3	18:23 19:5	128:10
121:18	Albuquerque	149:13	19:9,11,15	129:2
AG	100:16,25	161:3,5,23	19:18 20:7	136:14,15
175:19	aliens	162:6	20:11,14,21	136:19,24
age	57:25 58:13	167:22	21:15,16	137:4,6,9
15:10 67:11	alive	American	23:5 25:5,9	137:13,22
88:9 171:18	8:4	85:8 90:16	35:4,6,8	138:4,13,23
aged	allaying	96:8 100:1	36:11,19	139:3,8,18
39:18	45:12	111:10	37:2,10,15	139:21
agencies	allow	149:19	44:16,18	140:7,10,13
45:8,10	29:21 46:1	151:17	45:25 46:8	140:16,23
46:14,17	58:7 76:23	153:8,17	46:12 53:11	141:16,18
54:22,24	78:25	157:20,23	53:12 55:5	144:18,19
162:20	146:24	158:5 159:7	55:6,12,15	145:11,18
173:13	156:21	159:21	55:22 56:4	145:21,24
agency	172:9	160:23	56:8 63:22	146:3,6,9
142:18	allowed	171:18	63:23 64:2	146:11,14
174:10	89:12,13	Americans	64:5 70:3,4	147:21
agent	93:22	88:10 152:14	70:10,24	164:5,13,17
31:20 33:24	124:19	160:17	71:7,17,22	165:2,12
34:13	127:23,24	America's	71:25 72:11	166:5
ago	141:5,11	87:25 148:19	72:16,23	Anchia's
60:24 62:11	164:25	149:20	73:8,14	94:17 97:12
62:12 63:6	allowing	151:15	74:13,16	and/or
65:15,25	95:23 152:13	amount	75:6 80:3,4	5:2 26:8
75:12	allows	82:21 115:25	80:8,11,17	anecdotal
agree	24:5,11	177:12	81:5,10,14	76:2 98:13
43:23 83:4	alphabetical	amounts	81:20 82:2	anecdotally
89:24 90:4	14:23 132:15	2:11,11	82:5 83:2	52:12
90:10,25,25	Alzheimer's	ample	83:15 84:4	Angelo
92:17,24	14:20	147:15	84:12 85:13	2:8
93:10,11,25	amazed	amplify	85:20 86:17	Animal
114:23	8:8	47:7	89:18,19	88:17
126:23	amazing	analysis	90:9,17,24	Ann
159:11	60:21 73:4	37:17 83:3	91:4,7,10	50:22,22,25
agreement	amenable	96:20	91:13,17,24	51:24,25
175:3	72:17	119:15,23	92:4,7,13	52:1,4 53:6
AG's	amending	151:9	92:21 93:4	165:11,24
9:8,11	34:12	Anchia	93:10 94:2	Anne
ahead	amendment	3:18,19,23	94:10,23,23	177:10,17
33:3 75:12	72:17 110:20	3:25 4:2	105:4,5	answer
			106:2,9,13	



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

4:1 6:13 10:20 137:7 155:7 answered 140:19 answering 94:3 140:21 answers 9:5 167:15 anticipated 36:14,20 Antonio 115:19 148:21 anybody 12:25 69:22 70:18 84:23 138:17 anymore 41:8 48:25 156:13,21 anyway 37:12 69:11 anyways 2:25 apologize 29:9 65:15 76:24 96:10 155:3 appalled 174:14 appeal 24:3,6,13,15 24:24 26:15 26:22 27:11 29:22 30:2 31:8 32:24 appeals 33:1 78:9 appear 67:14 72:9 147:8 appearing 14:23 appears 144:25 applicant 77:6	applicants 150:8 application 57:23 66:25 144:4 150:10 applications 131:18 142:19 144:9 applied 65:13 108:24 143:3 applies 67:3 apply 70:8 appointment 160:5 appreciate 11:4 16:6,7 21:17 23:2 34:22 43:15 53:15 56:22 72:25 73:11 83:2 85:13 86:13,13,15 86:15 87:21 89:20 91:13 92:22 93:17 94:3 111:1 136:16 148:4 approach 159:17 appropriate 9:23 appropria... 89:22 appropria... 80:10 approxima... 66:9 118:8 118:14 April 1:25 177:17 178:1 area	14:3,18 26:19 30:19 31:6 173:17 174:6 areas 14:17 52:23 88:13 127:15 138:12 argue 14:13 42:9 argument 115:4 153:13 Arizona 68:23 77:24 78:16 99:25 100:16 101:11 109:18 128:8 149:5 152:9,19 168:22,23 Arizona's 78:8,13 arranging 172:20 arrive 99:16 Arthur 160:21 article 112:6 articulate 86:10 92:14 articulated 36:8 53:18 ascertain 130:8,11 Ashley 25:17,17,20 25:23,23,25 26:4,11,23 27:1,13,15 27:22 28:3 28:8,13,19 28:23 29:1 29:4,7,12 29:15,25	30:16 31:3 31:24 32:4 32:7,10,12 32:15,19 33:10,14 asked 12:24 53:17 59:14,16 117:25 122:6 152:12 167:9 asking 23:24 28:18 28:22 29:11 42:2 86:7 104:14 124:18 125:8,9 134:12 137:15,24 140:2 157:4 161:17 Assessor 142:24 assessor/... 65:10 143:15 154:23 assessor/... 136:22 assist 36:5 Assistance 175:1 associated 17:20 Association 51:9 assume 153:7 Assumed 59:24 assuming 60:18 72:5 assure 154:8 astronomical 110:6	attempt 76:9 attempting 44:9 175:7 attention 21:12 153:21 attorney 8:25 9:3 27:7,19 28:11 96:8 97:24 141:11,17 175:16 177:11,18 attorneys 9:2 177:21 audience 61:4 Audio 176:6 177:8 177:14,15 Austin 177:12,18 178:6 author 34:10 authorized 124:6 authors 56:13 161:25 162:6 author's 151:11 automatic 67:8 automatic... 153:7 availability 36:8 available 15:25 36:7 42:1 74:11 126:20 173:11 avenue 162:1,4 avenues
---	---	--	--	---



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

49:23 174:7	82:23,23,23	30:5 111:16	7:6,9,13,21	58:10 62:4
avoid	84:24 85:5	116:19	8:1,3,14,23	63:21 64:7
67:15	85:7 89:2	Baxter	9:9,13,24	64:10,13
avoided	98:1 99:2	66:6	10:14,24	68:6,9,20
14:19	100:6,7	BEAUVOIR	11:6,7	70:2 75:7
aware	124:18	38:21 40:13	87:13,15,16	75:14,17
3:14 6:14	174:5	40:18,22	89:19 90:8	79:3 80:2
18:6,8	ballots	41:1,5,10	90:14,20	80:24 86:20
68:23 118:7	14:19,22	41:16 42:16	91:3,6,9,13	86:22 87:1
118:9	17:14,15	becoming	91:22 92:2	87:4,7
	65:19	40:1	92:6,12,20	89:17 94:5
B	118:12	bedroom	93:3,7,16	94:8 95:2,7
babies	124:16	14:8,8,9	94:4,5,7,22	95:10,13,17
82:18	176:4	beginning	94:25 95:5	95:20,24
back	ballpark	70:17	95:9,12,16	96:4 97:4
51:11 59:2	145:8	behalf	95:19,21,22	98:4,6
65:23 75:3	bank	5:12 87:16	105:9	101:22,25
99:11 100:7	151:3	143:15	106:22	102:3,15
115:1	banking	159:5	122:7	103:3,8,12
121:11	39:5	believe	BERMAN	103:14,20
133:10	bar	2:12 6:6	2:2 3:12,25	103:22
136:5,7	62:20	36:13 49:19	5:5,9,24	104:4,6,15
146:19	Barrick	59:15,19	7:22 9:13	104:19
147:12	23:9 38:10	62:2,8	11:7,10,16	105:4,12,16
164:15	barrier	69:25 82:6	11:22 12:2	105:19
170:10	99:13	83:6 86:8	12:6,10,18	107:2,8,11
174:9	barriers	90:20 95:1	12:21 16:3	107:20
backward	156:21,25	110:19	19:21 20:23	110:24
69:18	base	122:24	21:3,6,9	111:1,12,22
bad	10:3 60:1	124:6	23:5 25:2	112:1,18
13:1 29:23	62:22	151:12	25:14 31:15	113:18
93:5,5	based	156:3 157:7	33:6,12,16	114:9,16
173:5	13:12 18:24	157:14	33:22 34:2	115:8,12
Bailey	114:6	159:22	34:14,18,21	116:3,24
38:14	167:14	160:14	34:25 35:2	117:3,23
bake	168:2	believes	36:11,24	120:16
48:8	basic	150:2	37:4,13,21	122:4
Baker	76:8	benefit	38:2 40:10	123:14,18
89:6	basically	96:20 97:22	40:17,20	123:22,24
balance	26:17 50:13	99:4 119:14	44:10 45:25	124:1,10,23
41:25 73:17	78:17 81:9	119:23	46:11,19,22	125:13,16
ballot	81:12,13	159:22	47:15,18	130:19,22
2:25 13:4,6	104:14	160:15	48:13,16,20	133:11,16
57:10,13,13	105:23	benefits	48:23 49:2	135:3,9,12
57:21 76:3	106:5 146:4	97:8,8 101:6	49:6,9	135:14,18
76:5,23	161:24	Benkiser	50:16,21,25	135:22
77:20,20	174:12	5:10,11,12	51:22 52:3	136:14
78:24,25	basis	6:2,8,20	53:6,9 55:4	141:25
			56:11 58:7	143:21,24



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

144:18	146:24	69:12,20	96:11,14	114:22
146:10	big	70:6,11	97:3,21	160:12
147:11	64:18 82:18	72:17 73:19	101:1	164:6
148:1,6,11	99:7 129:13	75:19,23	114:10	bite
151:25	136:9	76:9 77:1	115:6 120:2	43:6
154:21	172:13	77:15 78:15	131:1 149:9	bled
155:6 157:6	bilingual	78:15,18,20	149:14	82:13
157:13,25	47:10	78:20,21,22	150:1,4	blue
158:12,14	bill	80:19 86:9	151:10,16	22:4
158:19,24	2:5 3:16,21	87:9 88:19	151:21	board
159:1	4:3,7,9,15	91:25,25	152:5,24	13:4 36:25
160:19	4:22 5:16	92:8,10,22	153:14	46:7 57:14
162:3 164:4	6:15 8:13	94:9,14	154:13	116:13
166:6,25	9:17 10:18	96:14,15	156:22	173:16
167:18	11:2,11,13	97:12 99:10	157:2,12,12	boards
168:5,10,18	11:15 12:15	100:13	158:20,23	40:16
169:3,9,12	12:22 20:24	101:2 102:1	160:23,25	body
169:15	20:25 21:4	102:21,25	167:2	123:4
170:2	21:11,14,19	105:14	169:23	Bohac
171:22	22:3,22,24	107:16	171:12	31:15,16
172:2,6	23:3,8,9,10	111:7	174:20	33:23 34:5
173:10	23:12,15,15	116:23,25	bill's	40:20,21,24
best	23:17,19,23	118:6	64:16	41:3,6,13
84:17 156:17	23:24 24:2	129:23	bipartisan	41:22 43:16
156:20	24:14,14	131:1	36:1 64:17	45:17 68:21
177:15	25:8,16	137:25	68:15 88:23	68:22 69:5
bet	27:11 33:18	146:16	89:4 93:14	79:4,5
21:9	34:10 35:4	147:23	175:1	107:21,23
Betancourt	35:5,5,7,9	148:2 151:3	birth	108:5
98:7 134:3	38:9,11,11	152:18	66:23 74:1,7	116:12,15
142:24	38:12,13,14	154:6	74:10,22	125:18
143:4,10	38:15,16,17	161:25	75:1,4 77:4	126:11,21
better	38:18,19	162:7	80:24 81:7	127:18,22
6:13 37:25	39:2 44:8	171:11	92:10,10	128:9,17,23
42:14 48:11	44:23,24	172:8	95:7 110:10	129:6,19
75:10 88:15	45:5,20	billion	115:19	130:18
126:24	46:24,25	46:3,4	117:8	141:25
142:3	47:4,21	bills	122:17,19	142:1,6,22
Betty	48:12,12,17	10:15 12:5	137:2 145:7	Bohac's
56:17,19	48:21,25	25:6 35:3	150:15	44:19
64:7,10	49:7,18	44:12 53:14	157:18	bombs
Betty's	50:14 51:1	53:16 56:13	158:11	116:16
64:17	51:2,4,9	56:14,15	173:24	bond
Bexar	53:10,20,22	75:25 78:6	birthday	65:19
63:10 65:16	56:16,17,18	86:4 87:10	134:20	book
65:17	56:19 57:5	87:12 88:4	bit	67:23 88:8
124:25	58:3 64:14	90:18,21	56:12 82:19	88:15
biennial	64:14 68:9	93:11 96:2	86:6 112:23	132:18,23



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

books 132:13	Brennan 113:23 114:7	Bureau 115:20	16:25 45:9	158:14,16
booth 88:7	167:13	Burnam 9:14,15	46:16 54:10	159:2
Borden 11:15,15,16	brief 48:19 56:24	10:10,20	54:24	160:21,23
11:17,20,22	89:21	11:4 25:17	150:11	160:25
11:25 12:4	bring 48:9 108:15	37:20,21,22	busy 75:19,23	Camarillo 148:7,9,12
12:8,16,20	112:10	38:2 44:19	buy 48:9 67:24	148:14
12:22,22	114:20	52:3,4,13	buying 68:4	152:2,4,8
16:3,6,9,15	171:10,20	52:22,25	b-O-R-D-E-N 11:16 12:22	153:3,23
16:19,22	bringing 21:12 70:5	55:3,4,5,8	B26 85:16	154:2,18
17:19,23	153:21	55:13,18		155:2,8
18:8,12,16	broad 24:17 151:2	56:2,6,10	C	156:11
18:20,24	brought 34:7 42:21	58:11 59:1	C	157:9,17
19:8,10,13	115:1	59:5,15,18		158:2,13
19:17,20	brown 56:17,21	59:22,25		campaign 146:22
20:3,9,13	58:12,16	60:4,8,11		campuses 110:17
20:16,23	59:4,7,17	60:17,20		cancel 140:11,14,14
21:1,5,8	59:21,24	61:14,20		canceled 65:18 136:2
48:17,18,21	60:3,7,10	62:2,4		143:6,7,10
48:21,24	60:13,18	65:15 66:12		cancellat... 143:12
born 13:8 101:13	61:11,15,25	67:2 109:11		candidates 28:4 121:15
116:20	63:4,19,22	114:25		131:20,20
boss 134:3	64:1,3,8,11	115:16		capacity 5:14 87:17
bothering 135:24		117:23,24		capture 61:4
bottom 53:22 68:14	Bruce 47:18,19	118:21		car 79:12
bounced 144:17	48:13	120:2,10,20		card 4:18 17:14
box 58:18,19	budget 36:25 46:7	121:1,17		62:8 69:2
59:13 76:23	55:21,23	122:3		71:20 72:13
78:24,25	Building 64:20	123:15		72:20 74:7
82:23,23	bunch 96:10	123:15		74:8,9,21
85:7 98:1	burden 149:23,25	127:3		74:22 75:2
98:13 99:2	171:2,3	128:15		77:11 79:9
101:18	173:9	129:15		79:12,15,16
116:8	burdened 170:21	130:15		79:19 86:1
Brazilian 143:5	burdensome 150:5 152:25	131:15		97:11,14,18
break 96:11 168:7	174:21	132:15		98:21,21,23
breaking 155:20		133:15		100:4
		134:15		102:11,12



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

JA 007523

TX 00205194

102:13,17	116:16	175:17	117:8,18	3:25 5:5,8
102:22,23	carries	caution	122:17,19	5:9,11,14
103:2,7,25	110:18	44:11	126:7	5:24 7:22
104:1,7,7	carry	cease	127:11,13	9:13 11:7
104:17	73:25 74:14	8:7	127:14	11:10,16,22
105:24	74:20 95:7	census	137:3 145:7	12:2,6,10
106:7	95:10	167:15	150:15	12:18,21
107:24	cart	center	157:19	13:2,5 16:2
108:1,3,7	7:2	43:1 113:23	158:11	16:3 19:21
108:17,19	Carter	114:7	173:24	20:23 21:3
108:23,25	89:5	167:13	certificates	21:6,9
109:4,6	Carter/Baker	centers	80:24 110:10	22:23 23:1
112:11	64:18 67:13	169:13	113:12	23:2,5,21
114:17,19	case	cents	certified	25:1,2,14
117:4,5,11	12:11 14:3,7	146:1,3	66:23 136:10	31:15 33:6
117:12	14:21 15:17	certain	177:5 178:1	33:12,16,21
125:24	28:12 29:20	55:19 68:1	certify	33:22 34:2
126:12,14	100:17	71:9 114:13	177:6,19	34:12,14,18
126:17,19	149:6	130:3	chads	34:21,25
126:21,25	152:10	certainly	17:9,11,17	35:2,9
127:1	157:2	6:17 8:6,19	122:1	36:11,24
128:21	175:13	8:25 11:20	chair	37:4,13,21
129:12	cases	40:5 41:19	2:2 4:3 5:9	38:2 40:10
132:1	8:13,22,24	43:6 44:1	11:8 21:15	40:17,20
134:24	9:1,8 14:2	47:13 53:4	21:17 23:14	44:10,20
136:4,12	19:13	76:17 84:8	23:17 35:5	45:13,25
138:20,22	131:14	85:21 91:9	36:23 37:3	46:11,19,22
144:9,14,25	137:16,19	93:17	37:20,23	47:2,4,15
145:8 146:4	138:3 139:1	114:23	38:21 46:22	47:17,18,20
146:13	139:4,15	119:6,8	46:24,25	48:13,16,18
147:4,9,19	164:8,18	121:21	47:18 48:17	48:20,23
150:24	cash	122:24	49:2,10	49:2,6,9,12
158:7 166:8	45:6	126:23	50:17,19,22	50:16,21,25
166:12,16	cast	127:15	51:1,2,4	51:22 52:3
carding	14:22 58:2	141:23	53:17 55:2	53:6,9,13
125:10	65:19 66:8	156:17	64:13 75:18	55:4 56:11
cards	110:4 175:8	certificate	80:5,13,13	56:16,18,22
65:13 126:2	176:2	57:3 66:24	85:14 86:19	58:7,10,12
132:7,8,14	casting	74:1,8,10	87:8,10	62:4 63:21
143:3	85:8 88:6	74:22 75:2	95:24	63:21,22
144:24	casts	75:4 77:4	130:23	64:7,10,12
145:10	174:5	77:12 81:7	148:6	64:13,14,16
166:10	categories	92:10,11	158:14,16	68:6,7,9,20
169:16	127:6	95:8 97:11	159:1	70:2,5 75:7
care	caught	102:10	160:21,23	75:8,14,16
21:6 32:6	14:10,15	110:12,15	160:25	75:17,22
153:2	163:14	112:10	chairman	76:3 79:3
caring	Cause	115:19,22	2:2,6,8 3:12	80:2,7,23
				80:24 83:20



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

84:10,13,13	147:11	changing	circumsta...	154:4,5,25
86:20,22,23	148:1,6,11	160:3	22:11	155:1,15
87:1,4,7,17	148:13	characterize	cities	156:16
87:19 89:17	151:20,25	18:10	14:18 52:16	159:10
94:5,8,25	154:21	charge	citizen	171:18
95:2,7,10	155:6 157:6	9:21 172:20	8:9 57:24	citizenship
95:13,17,20	157:13,25	174:16	58:19,20	59:20 61:3
95:20,24	158:12,14	charged	59:13 61:17	61:12 64:23
96:4,7 97:4	158:19,22	78:3	63:12 64:9	66:20 67:1
98:4,6	158:24	Charlie	64:9 65:6	67:4,6,9
101:22,25	159:1,4	22:2 31:17	76:10 89:12	68:17 70:17
102:3,15	160:19	check	89:23 90:3	70:23 71:6
103:3,8,12	162:3 164:4	5:19 6:18	90:19,22	71:14 73:16
103:14,20	166:6,25	19:19 38:4	91:2,12,16	73:20 74:1
103:22	167:18	58:17,20	91:21 92:18	77:2,3,5
104:4,6,15	168:5,10,18	59:13 67:1	93:21	80:1,20,22
104:19	169:3,9,12	67:10,23	101:19	81:10 83:12
105:4,6,9	169:15	72:15	102:19	91:7 92:5
105:12,16	170:2	128:18	116:5,8,19	96:13,14,14
105:19	171:22	137:18	116:20	97:2 101:4
106:23	172:2,6	165:21	117:2	101:10,17
107:2,8,11	173:10	checked	122:10	102:4 107:7
107:15,20	Chairmans	5:17 10:1	129:14,15	109:19
109:11	51:8	19:20	138:22	110:3,7,9
110:24	chairs	checking	140:2,3,4	110:23
111:1,12,22	87:13	20:14,15	143:6 153:8	112:16
112:1,18	Chairwoman	134:18	157:20,23	113:1,4,8
113:18	105:9 106:22	cheese	158:5	122:13
114:9,16,25	challenge	12:23	159:21	123:3
115:8,12	100:11	chief	170:17	128:11,12
116:3,24	challenges	69:15	citizens	128:18
117:3,23	67:16 69:24	child	52:19 58:2	130:6 133:2
120:16	100:15	37:24	59:11 60:19	133:23
122:4,6,6	149:3	children	61:7 63:16	134:10,15
123:14,18	Champion	39:16,18,18	65:4,18,21	134:18
123:22,24	11:8,8,11	39:24 40:8	83:16 84:1	150:9 157:7
124:1,10,23	51:3,3,4	choice	85:8 98:15	157:15
125:13,16	change	121:16	101:13	165:23
130:19,22	37:11 56:11	choose	112:25,25	174:18,19
131:3	60:5 132:1	5:21 45:21	113:8,15,24	citizen's
133:11,16	166:20	88:1	128:6 129:5	76:9 88:21
135:3,9,12	changed	chose	139:22	166:10
135:14,18	59:6 60:23	10:5 34:10	144:13	city
135:22	110:9	church	149:19,22	43:1,2 51:12
136:14	132:10	15:13	149:24	51:13
141:25	134:8	Circuit	150:17,18	claim
143:21,24	changes	78:9 100:18	151:17	20:2
144:18	118:7	100:19	153:17	claimant
146:10				



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

26:8	133:4	Collins	commission	151:20
claiming	client	50:22	6:12 24:3,9	177:9
143:6	33:25	color	24:20,25	committees
claims	clients	119:5 120:8	25:18,24	25:6
175:18	171:2 174:17	145:7 146:7	26:2,11,13	committing
clamoring	close	Colorado	26:17 29:17	101:20
159:9	2:20,22,24	43:6 68:24	29:20 30:2	119:20
clarifica...	21:15 34:6	columns	30:4,17,24	common
9:16 24:2	34:17 40:11	20:5	31:1,3,5,6	88:13 175:17
26:5,7,7,12	53:11 55:1	combination	31:9,11	communities
26:18 28:6	86:21,25	133:14	32:22 33:10	52:16 148:18
28:18,22	87:2,8	come	36:2 64:18	149:2,15
29:11 30:11	110:3	11:18 22:9	67:13 68:15	172:14
31:7,22	119:22	22:13,19	89:4 175:1	173:19
33:4 34:11	174:22	25:20 36:1	commissio...	community
45:23 111:9	closed	62:23 68:18	3:1	60:22 100:1
131:3	35:25 39:22	79:24 82:14	commit	119:9
clarified	45:22	100:2,7	163:22	138:12,14
33:7	closing	119:7,21	commitment	170:16,23
clarify	4:23 48:3	123:3 128:8	96:19	170:24
16:8 24:16	58:12 75:13	132:8,15	committed	171:8
24:22 30:21	Club	134:11,14	109:25	172:19,25
34:9 54:3	67:24	134:20,20	committee	companies
classes	coalition	145:15	1:2 2:9	42:2 45:19
48:10	98:10 109:22	159:23	12:14 13:5	45:20,21
clean	code	174:18	13:6 15:21	company
24:19	24:4,5 65:5	175:1	21:14 22:22	69:8
cleaning	150:11	comes	23:8,10,12	compare
132:5	151:1	27:9 36:24	23:14,16,23	110:1,3
clear	codes	88:12	23:25 34:3	compared
28:16 110:19	65:5	133:13,18	34:23 38:22	40:5
125:1 135:4	cold	173:16	38:25 40:7	compelled
153:20	68:1	comfortable	43:18 53:14	50:13
clearly	colleague	33:7 47:11	65:11 69:16	compelling
54:22 65:1	118:5 127:22	coming	70:6 75:22	76:7
81:7 151:10	colleagues	4:24 18:17	76:4 96:17	complain
157:22	23:22	39:15 44:12	96:18	82:10,18
158:3	colleague's	50:2 72:25	106:23	complainant
clerk	128:10	131:24	113:11	24:15 26:16
11:9 13:3	collect	134:24	115:7,10	27:8,23
14:25 38:23	166:9	147:16,17	123:2,8,20	28:21 30:23
62:7 69:15	collected	154:9	135:5,10	31:2,19,20
98:7 115:7	134:4	comment	137:17	33:25 34:14
115:10	collecting	53:17 62:9	139:5,11	complained
clerks	138:19	comments	141:1,4,24	138:16
39:2	college	58:12 128:10	142:25	complainer
clerk's	110:17	commerce	143:4	29:16
38:24 74:23	112:25	67:21	148:13	complaint



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

24:8,10	129:9	confuse	constructive	161:23
27:10,16,17	concern	149:22	23:3	convenience
29:16 30:22	2:10 7:25	confused	consultant	41:20
31:9 32:23	8:12 39:17	29:9	27:5,20	convenient
complaints	44:20 58:13	confusing	28:10	76:15
27:25 30:3,5	65:14 86:2	62:11 100:8	consultants	convince
30:8	89:25 90:2	confusion	175:1	2:21
complete	90:25	106:22 150:4	consultation	convinced
11:18	131:13	152:25	69:19	69:23
completely	concerned	Congress	contains	coordinates
138:20	3:8 6:19 8:3	50:8 121:7	77:12	162:20
completion	21:20 39:20	124:3 161:8	contend	copies
57:10	69:13	161:22	39:10	125:13
complex	129:24	178:6	contention	copy
47:9	147:1	congressi...	146:12	64:19 66:23
compliant	161:20	3:4	contentious	77:4 110:13
6:7	concerning	conscious	161:9	110:13,14
complicated	33:24 94:9	60:5	contest	113:9
100:6	concerns	consequences	66:1	corporation
comply	4:24 8:11	101:21	context	54:15
147:20	17:24 36:8	conservative	174:24	correct
comprehen...	42:17 45:12	18:14 22:11	continue	6:19 26:23
162:11	45:16 46:1	98:9 109:21	37:19 45:11	27:12,13,23
compromise	86:10,16	109:22,23	46:18 54:17	28:2,23
157:11	concrete	consider	54:25 72:6	55:12 56:8
compromised	17:5	3:2 57:15	76:21	60:3 61:22
76:23 79:1	concur	64:3	115:12	90:12,19
82:24,24	42:17	considera...	continuing	95:1 102:6
compromising	conditional	22:24	121:8	103:10
85:6	100:5	considered	continuous	105:10,14
comptrroller	condominium	69:2 78:4	121:14	106:4,5,18
37:1 38:5	99:15	considering	continuously	138:23
44:21,22	conduct	5:15 88:4	121:12	140:8 142:5
45:2 46:6	45:9 46:15	172:23	contract	143:16,20
46:13	52:8 54:24	considers	5:22 7:15	153:23
comptroll...	conducted	32:22	10:6	158:24
36:22 45:7	55:16	constituent	contracted	162:25
51:10 54:6	Conference	28:11	6:3	165:17,17
54:21	47:3	constituents	contradict	171:15
concealed	confidence	27:9 85:14	149:22	corrected
77:13	64:20 68:12	constitution	151:11,23	78:4
Conceivably	89:11 93:20	65:3,3	154:14	correctly
2:20	confirm	100:12	contrary	83:22
concept	19:2 68:13	constitut...	54:9	cost
41:24 42:6	confirmation	55:25 90:22	controlled	10:12 37:15
43:24 44:7	64:23	constraints	62:5,6	37:16 38:5
conceptually	confirmed	174:3	controver...	42:3,19
	77:20			43:20,21



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

44:1,2 45:7 47:24 51:20 51:21 96:19 97:8 99:7 113:13,15 114:22 115:3,22 119:14,23 145:4,5,9 145:12,19 147:8 costly 100:8 costs 37:19,19 99:6,7 100:13 110:6 113:12 115:17,19 115:20,21 117:19 cottage 12:23 cotton-pi... 79:8 counsel 69:15,17 177:19 count 66:17 109:19 127:5 counted 8:10 17:14 77:20 89:13 93:23 156:4 156:6 counties 6:23,25 10:4 14:4,5,6,11 14:12 47:4 51:17 52:15 52:20 62:6 62:15 63:3 114:11 149:25 counting 17:9,11	country 50:5 69:25 120:12 166:21 counts 66:5 120:19 county 2:7,18,19 3:3 5:19,20 6:3,4,4,21 7:7 9:20,22 10:3,13,22 12:24 14:3 14:6,9,10 14:16 15:17 38:23,24 39:2 41:9 41:17,17 47:13 51:8 51:18 53:1 62:25 63:5 63:10 65:9 65:16,17 74:23 76:4 98:7 118:3 118:8,11,24 121:12 125:1,7 131:4,5,7 133:4,7 142:14,23 143:15 145:1,6,6 154:23 165:20 173:3 174:9 177:1 couple 16:8 39:1 47:21 65:7 65:8 94:6 118:1 134:3 135:16 138:3 164:15 courage 25:15 76:22 159:5	course 9:2 76:13 119:7 124:25 court 32:24 33:1 60:14 61:8 62:18,23 63:5 76:6 78:9,11,11 100:18 149:2,4,4 covered 56:1 69:10 covers 58:2 co-chaired 89:5 co-equal 90:11 123:1 crazy 44:20 Cream 12:22 create 6:16 30:20 106:17 137:25 149:23,25 150:4 152:25,25 156:20,23 156:25 created 107:6 175:20 creates 16:13 92:22 106:2 creation 35:11 creativity 8:8 credible 98:3 criteria 97:22 crop 39:7	crossed 138:17 crowded 39:13 crux 84:5 CSR 1:23 178:4 cumbersome 108:8,10,12 curious 8:2 25:5 current 4:15,20 9:25 24:4,11 26:20,21 29:10 31:12 80:13 97:10 97:17,19,20 99:15,15 101:17,18 102:9,9,14 103:1,11 105:20 106:3,24 107:18 108:4 124:13 132:6 171:23 currently 6:21 7:13 21:24 24:17 29:5,21 30:10,12 63:2 66:25 77:23 100:19 109:2 117:20 162:12 170:4 curtailing 74:3 custom 23:16 cycle 55:21,23	56:7 66:18 142:15 146:24 <hr/> D DA 139:1,5 dad 84:20,21,21 daddy 84:22 dais 37:6 Dakota 68:25 69:1 damaged 113:5,5 150:19 Dana 38:20,22 40:21 44:16 46:20 database 5:18,18 6:18 10:2 144:23 162:15,17 162:19 163:5,6,25 165:15,15 165:20,25 166:4 databases 146:17,18 165:16 date 4:11,13 70:15,18 94:19 100:15 146:23 178:4 dated 3:16 4:10 44:22 45:3 daughter 76:19 day 2:17 3:17
---	--	--	--	---



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

13:10,16,20 16:13 17:17 17:24 18:2 18:7 19:3 20:1,7,13 21:23 22:7 22:10 35:14 36:15 39:22 40:2,6,14 41:8 42:2,8 42:10,10,14 43:18 49:20 50:7,11,13 53:20,21 54:12,14 55:9,16 58:6 75:20 75:23 87:20 93:18 97:13 103:17,18 103:25 118:4,24 130:23 131:6,11,17 131:23 132:22 135:25 148:4 160:21 178:1	40:18,22 41:1,5,10 41:16 42:16 dead 85:7 99:1 deadline 164:15 deal 8:15 15:20 42:18 93:1 93:14 120:3 164:10,20 dealing 15:21 dealt 14:2 16:25 18:25 30:8 Dean 38:13 death 162:24 debate 98:9 107:13 162:6,8 debated 146:16 161:8 166:3 debating 146:19 161:22 Debbie 79:5 DeBeauvoir 38:20,23 45:23 46:21 decades 147:3 deceased 163:24 decide 32:17 62:12 62:12 155:21 decided 66:3,10 decides 155:25	decision 24:4,9,10,13 24:24 29:22 30:3 31:9 60:5 125:25 decisions 78:12 173:6 declare 35:24 54:14 declares 51:18 decongestant 68:4 decrease 151:16 defend 154:17 defending 155:18 Defense 96:9 defensible 68:16 69:14 69:23 defer 163:4 define 24:16 29:3 defined 24:7 defines 24:2 definitely 52:18 129:24 161:21 174:1 definition 26:9 Delaware 68:24 delay 157:1 deleted 62:14 deliberates 29:17 deliver	43:5 democracy 148:19 149:20 151:15 156:20 159:8 Democrat 22:4 Democratic 131:19 Democrats 2:22 66:9 88:25 denied 119:2 125:2 Denny 78:19 Denny's 147:23 dense 43:1 dentist 160:6 deny 3:19,24 5:3 117:14 denying 97:3 department 115:23 124:8 130:4,10 133:17,20 134:7,12,16 144:11,12 162:23 depend 91:22 depending 41:17 155:17 DEPOSITION 178:5 depress 149:14 152:5 deputy 15:11,11 138:10,19	Desert 86:12 designed 57:23,24 desire 28:15 31:10 despite 54:8 destroy 128:23 deter 68:13 110:14 determina... 29:18 45:2 determine 4:19 114:3 determined 60:12 determining 68:5 developme... 7:1 devious 159:9 devised 8:17 dialogue 21:18 23:3 31:18 33:23 86:13,15 die 76:21 died 76:20 82:8 82:14 83:24 120:4,6,12 difference 65:23 66:5 66:11 98:17 107:1 160:10 different 42:20 43:18 57:7 60:21 63:11 93:8 99:8,17 102:5 106:6
---	---	--	---	--



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

106:17	173:2	32:23	169:6,7	5:22 10:2,6
112:20	disabled	dispute	174:6	62:5 66:25
132:20,21	105:1 108:21	73:13	documented	67:3 77:15
139:4 151:4	112:25	disrespec...	121:7 124:21	128:16
151:4 169:4	167:16	76:22	125:12	129:12
173:2,2,13	170:16	distances	129:17	130:16
difficult	173:11	100:2	175:12	146:11
39:14 43:2	disadvant...	distinct	documents	drafted
61:19 73:16	108:20	85:10	83:17 94:20	69:20,25
73:23 74:11	disagree	distinguish	94:21 95:3	draw
85:4 86:7	38:3	61:9	95:6,14	60:5,25
114:3,4	disagreed	distributed	96:10 113:4	62:15,17,22
117:7	84:23	43:11	113:10	63:2 65:23
127:13	discovered	district	114:20	drawn
129:7 130:7	63:16 153:15	3:5 9:2	123:10	60:1 62:25
130:9,16	discretion	32:24 33:1	129:8,11	63:14
difficulties	153:5	38:24 62:7	130:3	drive
123:9	discrimin...	84:16 85:24	136:11	86:3 108:21
difficulty	121:6,8	131:21	150:17,19	129:15,16
52:6	discuss	132:7,20	150:25	151:6
digits	147:10	141:11	151:4	172:16
159:19	discussed	districts	169:17	driver's
diluting	47:6 54:20	2:18	doing	4:4,5,12,16
58:1	discussing	disturbed	3:3 40:22	4:21 5:18
diminishes	147:25	164:6	46:3 73:19	10:3 59:2,8
57:17	153:14	diversified	84:11 90:12	59:12,19
dinner	154:6	155:18	106:15	61:1,6,10
75:11	discussion	doctors	121:10	62:5,13,17
direct	43:18 84:18	169:10	124:21	63:1 67:1,5
43:20 44:1	84:19 98:11	173:11	142:17	67:10 71:15
106:12	120:3	document	157:5	72:4 77:9
direction	147:22	16:14 104:16	dollar	79:7,9,15
13:16 18:2	discussions	113:9	51:20	79:21,25
20:18 31:18	125:20,21	115:18	dollars	94:13,15
director	disenfran...	116:13,14	46:3,4	99:16,17,20
13:5	119:24	136:8	113:13	105:1,2
disabilities	150:21	137:16	door	107:25
161:7 162:2	162:1,4,10	143:16,19	130:1,2	108:8,24
167:11	disenfran...	175:15,22	double	109:1
168:9,17,24	76:14 110:2	documentary	84:12 145:9	114:14,16
169:8,10,23	112:20	116:11	doubt	114:21
170:25	132:24	documenta...	34:4 159:23	116:21
171:8	168:4,6,9	110:18 111:3	160:15	119:10
173:17	disenfran...	117:2,9	do-rag	126:3,9,16
174:15,17	170:6	123:22	125:4	126:18
disability	disenfran...	133:22	DPA	127:4,8,25
162:2 171:25	109:16	136:25	5:18	128:3,12,20
172:25	dismisses	146:21	DPS	129:4,12,17



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com